

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

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IN RE: NATIONAL PRESCRIPTION MDL No. 2804  
OPIATE LITIGATION

Case No. 17-md-2804

Judge Dan Aaron

This document relates to: Polster

The County of Cuyahoga v. Purdue  
Pharma L.P., et al.  
Case No. 18-OP-45090

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Videotaped deposition of  
DONALD GEROME

November 14, 2018

9:01 a.m.

Taken at:

Kelley & Ferraro, LLP  
950 Main Avenue, Suite 1300  
Cleveland, Ohio

Renee L. Pellegrino, RPR, CLR

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| <p style="text-align: right;">Page 2</p> <p>1 APPEARANCES:</p> <p>2 On behalf of Cuyahoga County:</p> <p>3 Napoli Shkolnik PLLC</p> <p>4 SALVATORE C. BADALA, ESQ.</p> <p>5 360 Lexington Avenue</p> <p>6 New York, New York 10017</p> <p>7 (844) 230-7676</p> <p>8 sbadala@napolilaw.com</p> <p>9 - and -</p> <p>10 Plevin &amp; Gallucci</p> <p>11 FRANK GALLUCCI, III, ESQ.</p> <p>12 ROBIN WILSON, ESQ.</p> <p>13 55 Public Square</p> <p>14 Suite 2222</p> <p>15 Cleveland, Ohio 44113-1901</p> <p>16 (216) 861-0804</p> <p>17 fgallucci@pglawyer.com</p> <p>18 rwilson@pglawyer.com</p> <p>19 On behalf of Walmart, Inc.:</p> <p>20 Jones Day</p> <p>21 CHRISTOPHER M. McLAUGHLIN, ESQ.</p> <p>22 North Point, 901 Lakeside Avenue</p> <p>23 Cleveland, Ohio 44114-1190</p> <p>24 (216) 586-3939</p> <p>25 cmmclaughlin@jonesday.com</p> <p>On behalf of Endo Pharmaceuticals, Inc., Endo Health Solutions, Inc., Par Pharmaceuticals, Inc. and Par Pharmaceutical Companies, Inc.:</p> <p>Arnold &amp; Porter, Kaye Scholer LLP</p> <p>SAMUEL LONERGAN, ESQ.</p> <p>250 West 55th Street</p> <p>New York, New York 10019-9710</p> <p>(212) 836-8000</p> <p>samuel.longergan@arnoldporter.com</p> <p>~~~~~</p>                        | <p style="text-align: right;">Page 4</p> <p>1 APPEARANCES, CONT'D:</p> <p>2 On behalf of Teva Pharmaceuticals:</p> <p>3 (Via Telephone and Veritext Virtual Stream)</p> <p>4 Morgan, Lewis &amp; Bockius LLP</p> <p>5 LIZA B. FLEMING, ESQ.</p> <p>6 1701 Market Street</p> <p>7 Philadelphia, Pennsylvania 19103-2921</p> <p>8 (215) 963-5000</p> <p>9 liza.fleming@morganlewis.com</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>ALSO PRESENT: Kurt Henschel, Videographer</p> <p>~~~~~</p> |
| <p style="text-align: right;">Page 3</p> <p>1 APPEARANCES, CONT'D:</p> <p>2 On behalf of AmerisourceBergen Drug Corporation:</p> <p>3 (Via Veritext Virtual Stream)</p> <p>4 Reed Smith LLP</p> <p>5 JAMES A. PETKUN, ESQ.</p> <p>6 Three Logan Square</p> <p>7 1717 Arch Street - Suite 3100</p> <p>8 Philadelphia, Pennsylvania 19103</p> <p>9 (215) 851-8100</p> <p>10 jpetkun@reedsmith.com</p> <p>11 On behalf of Cardinal Health:</p> <p>12 Williams &amp; Connolly</p> <p>13 WILL HAWKINS, ESQ.</p> <p>14 725 Twelfth Street, N.W.</p> <p>15 Washington, D.C. 20005</p> <p>16 (202) 434-5421</p> <p>17 whawkins@wc.com</p> <p>18 On behalf of McKesson Corporation:</p> <p>19 Covington &amp; Burling LLP</p> <p>20 BENJAMIN C. BLOCK, ESQ.</p> <p>21 JOHN W. ZIPP, ESQ.</p> <p>22 One CityCenter</p> <p>23 850 Tenth Street, NW</p> <p>24 Washington, D.C. 20001-4956</p> <p>25 (202) 662-2000</p> <p>bblock@cov.com</p> <p>jzipp@cov.com</p> <p>On behalf of Mallinckrodt:</p> <p>(Via Telephone and Veritext Virtual Stream)</p> <p>Ropes &amp; Gray</p> <p>HAYDEN MILLER, ESQ.</p> <p>1211 Avenue of the Americas</p> <p>New York, New York 10036-8704</p> <p>(212) 695-9000</p> <p>hayden.miller@ropesgray.com</p> <p>~~~~~</p> | <p style="text-align: right;">Page 5</p> <p>1 TRANSCRIPT INDEX</p> <p>2</p> <p>3 APPEARANCES .....2</p> <p>4 INDEX OF EXHIBITS .....6</p> <p>5 INDEX OF OBJECTIONS .....7</p> <p>6</p> <p>7 EXAMINATION OF DONALD GEROME:</p> <p>8 BY MR. BLOCK .....12</p> <p>9 BY MR. LONERGAN .....219</p> <p>10 BY MR. McLAUGHLIN .....231</p> <p>11</p> <p>12 AFTERNOON SESSION .....164</p> <p>13</p> <p>14 REPORTER'S CERTIFICATE .....238</p> <p>15</p> <p>16 EXHIBIT CUSTODY - RETAINED BY COURT REPORTER</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>                       |

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| <p style="text-align: right;">Page 11</p> <p>1 THE VIDEOGRAPHER: We're on the</p> <p>2 record at 9:01. Today's date is November 14th,</p> <p>3 2018. This is the matter of National</p> <p>4 Prescription Opiate Litigation. We're here in</p> <p>5 Cleveland, Ohio.</p> <p>6 Would counsel please identify</p> <p>7 themselves for the record?</p> <p>8 MR. BLOCK: Did you guys start?</p> <p>9 MR. BADALA: Salvatore Badala,</p> <p>10 Napoli Shkolnik, for the Plaintiff.</p> <p>11 MR. GALLUCCI: Frank Gallucci,</p> <p>12 Plevin &amp; Gallucci, for Plaintiff, Cuyahoga</p> <p>13 County.</p> <p>14 MS. WILSON: Robin Wilson, of</p> <p>15 counsel, Plevin &amp; Gallucci, on behalf of</p> <p>16 Plaintiff, Cuyahoga County.</p> <p>17 MR. BLOCK: Good morning. Ben Block</p> <p>18 and John Zipp of Covington &amp; Burling LLP on</p> <p>19 behalf of McKesson Corporation.</p> <p>20 MR. LONERGAN: Sam Lonergan with</p> <p>21 Arnold &amp; Porter, Kaye Scholer, on behalf of</p> <p>22 Defendants Endo and Par.</p> <p>23 MR. McLAUGHLIN: Chris McLaughlin</p> <p>24 from Jones Day on behalf of Walmart.</p> <p>25 MR. HAWKINS: Will Hawkins from</p> | <p style="text-align: right;">Page 13</p> <p>1 you work?</p> <p>2 A. 1215 West 3rd, Cleveland, Ohio,</p> <p>3 44113.</p> <p>4 Q. And where do you live?</p> <p>5 A. I live in Mayfield Heights, which is</p> <p>6 a suburb of Cleveland.</p> <p>7 Q. And, Captain Gerome, you understand</p> <p>8 that you're under oath, the same oath that would</p> <p>9 apply as if you were testifying in a court of</p> <p>10 law?</p> <p>11 A. Yes, I do.</p> <p>12 Q. And is there any reason that you</p> <p>13 can't give truthful testimony today?</p> <p>14 A. No, there's not.</p> <p>15 Q. Have you testified at a deposition</p> <p>16 before?</p> <p>17 A. No, I've not.</p> <p>18 Q. Have you testified in court before?</p> <p>19 A. Yes, I have.</p> <p>20 Q. How many times?</p> <p>21 A. A handful of times. I'm not sure</p> <p>22 how many.</p> <p>23 Q. In what types of matters have you</p> <p>24 testified?</p> <p>25 A. Some had to deal with drug offenses,</p>  |

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| <p style="text-align: right;">Page 14</p> <p>1 and there was a couple of OVIs, operating<br/>2 vehicle, influence.<br/>3 Q. When is the first time you testified<br/>4 in court?<br/>5 A. As a detective or as law<br/>6 enforcement?<br/>7 Q. Ever.<br/>8 A. Oh, ever. I don't remember the<br/>9 exact year.<br/>10 Q. Have you ever testified in court<br/>11 other than in your role as a law enforcement<br/>12 officer?<br/>13 A. No.<br/>14 Q. All right. So do you remember<br/>15 roughly when your first testimony would have<br/>16 been?<br/>17 MR. BADALA: Objection to form.<br/>18 Q. '90s, 2000s?<br/>19 A. I came in law enforcement in 2001,<br/>20 so it was probably early 2000s.<br/>21 Q. And did you do anything to prepare<br/>22 for your deposition today?<br/>23 A. Yes, I did.<br/>24 Q. What did you do?<br/>25 A. I met with the attorneys yesterday.</p> | <p style="text-align: right;">Page 16</p> <p>1 Q. Who is your supervisor?<br/>2 A. Chief George Taylor.<br/>3 Q. Is he the --<br/>4 A. He's deputy chief.<br/>5 Q. -- deputy chief? Okay.<br/>6 A. Or chief deputy. I'm sorry. Yeah.<br/>7 Q. And we'll have to -- I'll have to<br/>8 work on it, too. We'll have to do our best not<br/>9 to talk over one another.<br/>10 A. Okay. Sorry about that.<br/>11 Q. No. You're good.<br/>12 And who is your subordinate?<br/>13 A. Lieutenant Miguel Caraballo.<br/>14 Q. Have you ever -- we talked about<br/>15 testimony in court. Have you ever testified<br/>16 before an administrative body of any sort?<br/>17 A. I've testified in administrative<br/>18 hearings for the department.<br/>19 Q. In what sorts of manner?<br/>20 A. Disciplinary hearings.<br/>21 Q. Where a member of the force is<br/>22 subject to discipline for something?<br/>23 A. Was removed from his position and<br/>24 was getting the job back or trying to get his<br/>25 job back.</p>    |
| <p style="text-align: right;">Page 15</p> <p>1 Q. With whom did you meet?<br/>2 A. Sal, Frank.<br/>3 Q. Okay. Anybody else present?<br/>4 A. I forget his name. There was<br/>5 another attorney there.<br/>6 Q. Okay. And how long was the meeting?<br/>7 A. Approximately three hours.<br/>8 Q. Did you review any documents?<br/>9 A. Yes.<br/>10 Q. Did you review any documents that<br/>11 helped refresh your recollection of events?<br/>12 A. No.<br/>13 Q. All right. Do you recall how many<br/>14 documents you reviewed?<br/>15 A. No.<br/>16 Q. Types of documents that you<br/>17 reviewed?<br/>18 A. Some e-mails.<br/>19 Q. Anything else?<br/>20 A. No.<br/>21 Q. Have you talked to anyone else in<br/>22 terms of preparing for this deposition?<br/>23 A. For preparation, no. I did advise<br/>24 my supervisor and my subordinate where I'd be<br/>25 today.</p> | <p style="text-align: right;">Page 17</p> <p>1 Q. How many times have you testified in<br/>2 those sorts of things?<br/>3 A. Two, I believe.<br/>4 Q. Have you ever testified before any<br/>5 legislative body of the state, city or county,<br/>6 like a city council, county board, state<br/>7 legislature, anything like that?<br/>8 MR. BADALA: Objection to form.<br/>9 A. I've been in front of city -- or<br/>10 county council. I don't know if you call it<br/>11 testifying.<br/>12 Q. Okay. What have you -- what have<br/>13 you been in front of city council about?<br/>14 A. Well, county.<br/>15 Q. Excuse me. County council.<br/>16 A. Requesting maybe some equipment,<br/>17 something like that.<br/>18 Q. Have you ever been in front of<br/>19 county council asking for or talking about<br/>20 anything related to opioids?<br/>21 A. No, I have not.<br/>22 Q. All right. Where are you from<br/>23 originally?<br/>24 A. I grew up in South Euclid.<br/>25 Q. And could you -- did you go to</p> |

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| <p style="text-align: right;">Page 18</p> <p>1 college?</p> <p>2 A. No, I did not.</p> <p>3 Q. And when did you join the sheriff's</p> <p>4 department?</p> <p>5 A. Originally I was hired as a</p> <p>6 correction officer in 1995. I put myself</p> <p>7 through the Ohio Police Academy and became a</p> <p>8 deputy sheriff in 2001.</p> <p>9 Q. So from 1995 through 2001 you worked</p> <p>10 as a corrections officer?</p> <p>11 A. Yes.</p> <p>12 Q. And what were your responsibilities</p> <p>13 there?</p> <p>14 A. As corrections?</p> <p>15 Q. Yes.</p> <p>16 A. Supervising the inmates.</p> <p>17 Then I moved on to what they call a</p> <p>18 specialty area, which is booking inmates in,</p> <p>19 releasing, stuff like that.</p> <p>20 Q. And then how did it -- what did you</p> <p>21 have to do to become a member of the --</p> <p>22 A. Law enforcement?</p> <p>23 Q. Thank you.</p> <p>24 A. There's a -- police academy</p> <p>25 basically. I went part-time police academy</p> | <p style="text-align: right;">Page 20</p> <p>1 A. In 2007 I was promoted to sergeant,</p> <p>2 in 2014 I was promoted to lieutenant, and in May</p> <p>3 of 2016 I was promoted to captain.</p> <p>4 Q. Have you received law enforcement</p> <p>5 training other than through the -- did you call</p> <p>6 it a boot camp?</p> <p>7 A. The police academy.</p> <p>8 Q. The policy academy. Thank you.</p> <p>9 A. It's -- the Ohio Peace Officer</p> <p>10 Training Academy is the official name of it.</p> <p>11 I'm sorry. Repeat the question,</p> <p>12 please.</p> <p>13 Q. Do you have law enforcement training</p> <p>14 other than through the peace officer academy?</p> <p>15 A. Yes. Yes, I do.</p> <p>16 Q. Please describe that for me.</p> <p>17 A. There's various training throughout</p> <p>18 my career I've been to, whether it's been at</p> <p>19 schools or online courses, what they offer now.</p> <p>20 If I could just start off, I went</p> <p>21 through the DEA basic narcotic investigation</p> <p>22 school, which was a three-day school.</p> <p>23 Q. When did you do that?</p> <p>24 A. Back in 2000 -- around 2005.</p> <p>25 Q. Why did you do that?</p> |
| <p style="text-align: right;">Page 19</p> <p>1 through Tri-C.</p> <p>2 Q. Tri-C stands for what?</p> <p>3 A. I'm sorry.</p> <p>4 Q. That's fine.</p> <p>5 A. Cuyahoga County Community College.</p> <p>6 Q. Okay. Sorry. And so how long did</p> <p>7 that --</p> <p>8 A. That was about six months.</p> <p>9 Q. All right. And you obviously</p> <p>10 graduated there?</p> <p>11 A. Yes.</p> <p>12 Q. And so then you say you became a law</p> <p>13 enforcement officer in 2001?</p> <p>14 A. Yes.</p> <p>15 Q. And what was your -- did you have a</p> <p>16 rank?</p> <p>17 A. Deputy sheriff.</p> <p>18 Q. Okay. And what is your current</p> <p>19 rank?</p> <p>20 A. Captain.</p> <p>21 Q. That's higher than deputy sheriff?</p> <p>22 A. Yes, it is.</p> <p>23 Q. All right. And what have been the</p> <p>24 various ranks you've held between deputy sheriff</p> <p>25 to captain?</p>   | <p style="text-align: right;">Page 21</p> <p>1 A. I was assigned to the narcotic</p> <p>2 division within our department.</p> <p>3 Q. All right. And I cut you off. So</p> <p>4 you did the DEA course?</p> <p>5 A. Yeah.</p> <p>6 Q. What other courses have you done?</p> <p>7 A. You know, I don't remember every</p> <p>8 course, but we have continuous training in our</p> <p>9 department. Most recently I went through first</p> <p>10 aid training, the trauma training, scenario</p> <p>11 training. It's continuous. Every year</p> <p>12 basically you're training. Like I said, the</p> <p>13 Attorney General offers classes online. It's</p> <p>14 called EOPOTA, electronic training, that you can</p> <p>15 just pull up on your computer and get certified</p> <p>16 in various things.</p> <p>17 Q. Other than the DEA course, have you</p> <p>18 taken any training courses that focused on</p> <p>19 narcotics?</p> <p>20 MR. BADALA: Objection to form.</p> <p>21 A. I don't remember any more.</p> <p>22 Q. As a corrections officer, did you</p> <p>23 have any involvement with any narcotic-related</p> <p>24 issues?</p> <p>25 MR. BADALA: Objection to form.</p>  |

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| <p style="text-align: right;">Page 22</p> <p>1 A. No.</p> <p>2 Q. Do you know as -- for example, when</p> <p>3 you were a corrections officer, do you know</p> <p>4 if -- was that at the county jail? Where did</p> <p>5 you work?</p> <p>6 A. Yes. It was for the same</p> <p>7 department, Cuyahoga County Sheriff's</p> <p>8 Department.</p> <p>9 Q. So how long are the people who are</p> <p>10 in that facility -- how long are they in for?</p> <p>11 A. It depends. They could be there for</p> <p>12 a day. They could be there up until their</p> <p>13 trial, which could be a year. There's no set</p> <p>14 time frame where they have to leave.</p> <p>15 Q. But that's a facility for</p> <p>16 pre-sentencing?</p> <p>17 A. Pre-sentencing, and then there were</p> <p>18 some sentenced prisoners from the municipal</p> <p>19 courts.</p> <p>20 Q. Do you know whether or not -- would</p> <p>21 you call them inmates at the --</p> <p>22 A. Correct. Yeah.</p> <p>23 Q. Okay. Do you know whether or not</p> <p>24 inmates at that facility could receive</p> <p>25 prescription opioid medication?</p>                        | <p style="text-align: right;">Page 24</p> <p>1 A. Before I was assigned to narcotics?</p> <p>2 Q. Sure.</p> <p>3 A. I don't remember, but I'm sure I</p> <p>4 wrote a marijuana ticket or something. I don't</p> <p>5 remember.</p> <p>6 Q. Okay. And you said you got assigned</p> <p>7 to the narcotics division in -- is it the</p> <p>8 narcotics division? Is that right?</p> <p>9 A. Yes.</p> <p>10 Q. In 2005?</p> <p>11 A. Yes.</p> <p>12 Q. Did you volunteer for that? Were</p> <p>13 you volunteered for it? How did that come to</p> <p>14 be?</p> <p>15 A. No. With our department, they put a</p> <p>16 posting out when there's openings, and I applied</p> <p>17 for the position.</p> <p>18 Q. Why did you apply?</p> <p>19 A. To -- to get out of the patrol</p> <p>20 division I guess, to expand my career.</p> <p>21 Q. Who -- did you have to go through an</p> <p>22 interview process?</p> <p>23 A. At the time, no. You just submitted</p> <p>24 a request form.</p> <p>25 Q. When you joined the narcotics</p>  |
| <p style="text-align: right;">Page 23</p> <p>1 A. They received medication. I don't</p> <p>2 know what it was.</p> <p>3 Q. You didn't have any involvement in</p> <p>4 that?</p> <p>5 A. No. You just basically supervised</p> <p>6 them taking their medications; don't do anything</p> <p>7 with the nurse or anything like that.</p> <p>8 Q. Do you have any training in</p> <p>9 medicine?</p> <p>10 A. No.</p> <p>11 Q. Do you have any training in</p> <p>12 pharmacies, pharmaceuticals?</p> <p>13 A. No, I do not.</p> <p>14 Q. When you became a deputy sheriff in</p> <p>15 2001, what were your responsibilities?</p> <p>16 A. Originally was assigned to our</p> <p>17 patrol division, which dealt with security of</p> <p>18 the county buildings. We transported inmates</p> <p>19 from the jail to medical appointments, other</p> <p>20 jail facilities, prisons. Basically responded</p> <p>21 to anything that, you know, we were called on.</p> <p>22 Q. Did you have any involvement in</p> <p>23 narcotics-related offenses or suspected offenses</p> <p>24 as a deputy sheriff?</p> <p>25 MR. BADALA: Objection to form.</p> | <p style="text-align: right;">Page 25</p> <p>1 division, I guess, first of all, how many -- how</p> <p>2 big was the narcotics division? How many people</p> <p>3 were involved in it?</p> <p>4 A. I don't remember the exact number.</p> <p>5 Q. Hundreds?</p> <p>6 MR. BADALA: Objection to form.</p> <p>7 A. No, there wasn't hundreds.</p> <p>8 Q. More than a dozen?</p> <p>9 A. Probably close to a dozen maybe.</p> <p>10 Q. Okay. Who was your supervisor or to</p> <p>11 whom did you report?</p> <p>12 A. I reported -- my immediate</p> <p>13 supervisor was a sergeant at the time, Miguel</p> <p>14 Caraballo.</p> <p>15 Q. And who -- did you have any</p> <p>16 subordinates?</p> <p>17 A. No. I was still a deputy sheriff in</p> <p>18 that division.</p> <p>19 Q. Do you know how long Sergeant</p> <p>20 Caraballo had been with the sheriff's</p> <p>21 department?</p> <p>22 A. He came on in 1997.</p> <p>23 Q. Okay. What were your</p> <p>24 responsibilities as -- were you still a deputy</p> <p>25 sheriff, just a deputy sheriff in the narcotics</p> |

7 (Pages 22 - 25)



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| <p style="text-align: right;">Page 26</p> <p>1 division?</p> <p>2 A. Yes.</p> <p>3 Q. What were your responsibilities in</p> <p>4 that role?</p> <p>5 A. We would act on complaints that came</p> <p>6 in, drug complaints. We would patrol certain</p> <p>7 areas we knew narcotics was available, just, you</p> <p>8 know, street level stuff.</p> <p>9 Q. What sorts of areas would you</p> <p>10 patrol?</p> <p>11 A. Mainly downtown -- or not downtown.</p> <p>12 The Cleveland areas.</p> <p>13 Q. And what were you looking for there?</p> <p>14 A. Narcotic activity, drug dealers on</p> <p>15 the corner, something like that.</p> <p>16 Q. What kind of drugs?</p> <p>17 A. We dealt mainly with marijuana,</p> <p>18 cocaine.</p> <p>19 Q. Anything else?</p> <p>20 A. That was our main --</p> <p>21 Q. Okay. Did you have -- during this</p> <p>22 time did you do any -- do you remember doing any</p> <p>23 work around prescription medications?</p> <p>24 MR. BADALA: Objection to form.</p> <p>25 A. No, I don't.</p> | <p style="text-align: right;">Page 28</p> <p>1 promoted in March of 2007.</p> <p>2 Q. Promoted to sergeant?</p> <p>3 A. Yes.</p> <p>4 Q. And when you were promoted to</p> <p>5 sergeant, to whom were you -- were you still in</p> <p>6 the narcotics division?</p> <p>7 A. No, I was not.</p> <p>8 Q. Where did you go to?</p> <p>9 A. I moved back to the patrol division</p> <p>10 and oversaw that.</p> <p>11 Q. Was that by request?</p> <p>12 A. No. That was told.</p> <p>13 Q. So congratulations, you have a</p> <p>14 promotion, and now you get to go back to doing</p> <p>15 what you did before?</p> <p>16 A. Yes.</p> <p>17 Q. All right. To whom did you report?</p> <p>18 A. At the time it was Lieutenant -- I</p> <p>19 don't remember her name, Lieutenant Millsap. I</p> <p>20 don't recall her first name. If you give me a</p> <p>21 second, I can think of it. Ethel Millsap maybe.</p> <p>22 Q. Okay. And how long were you a</p> <p>23 sergeant in the patrol division?</p> <p>24 A. I don't remember the exact amount of</p> <p>25 time. I know I moved to what we call our sex</p>  |
| <p style="text-align: right;">Page 27</p> <p>1 Q. Do you know who Sergeant -- is it</p> <p>2 Cabalero (phonetic) --</p> <p>3 A. Caraballo.</p> <p>4 Q. I knew it didn't sound right. Do</p> <p>5 you know, to whom did Sergeant Caraballo report</p> <p>6 at that time?</p> <p>7 A. I think it was Lieutenant Mike</p> <p>8 Jackson, I believe, was our supervisor.</p> <p>9 Q. Is Lieutenant Jackson still with the</p> <p>10 sheriff's department?</p> <p>11 A. No, he's not.</p> <p>12 Q. Do you know where he went?</p> <p>13 A. No, I don't.</p> <p>14 Q. Did he retire or --</p> <p>15 A. Resigned.</p> <p>16 Q. Okay. Do you know when that was?</p> <p>17 A. No, I don't remember the exact --</p> <p>18 Q. Or why he resigned?</p> <p>19 A. He was under an investigation for</p> <p>20 stealing money.</p> <p>21 Q. From the sheriff's department?</p> <p>22 A. Yes.</p> <p>23 Q. How long were you a deputy sheriff</p> <p>24 in the narcotic division?</p> <p>25 A. Approximately two years. I was</p>                        | <p style="text-align: right;">Page 29</p> <p>1 offender unit after that.</p> <p>2 Q. Roughly? Do you remember roughly</p> <p>3 when that occurred?</p> <p>4 A. Maybe a year or two.</p> <p>5 Q. Okay. And what were your</p> <p>6 responsibilities in the sex offender unit?</p> <p>7 A. The sheriff's department has</p> <p>8 registered sex offenders come in on a daily</p> <p>9 basis. We have a tier system for sex offenders</p> <p>10 here in Ohio. So I oversaw that division.</p> <p>11 We also do what we call</p> <p>12 verifications on sex offenders, where deputies</p> <p>13 will go out and knock on the offender's door,</p> <p>14 make sure that's where they're living,</p> <p>15 investigate if they're not living there.</p> <p>16 We also had two detectives that were</p> <p>17 assigned to if a person is not living where</p> <p>18 they're at or they're not reporting, to file</p> <p>19 charges against them.</p> <p>20 And at the time we also had a small</p> <p>21 team that went out and executed warrants.</p> <p>22 Q. And how long were you in that</p> <p>23 division?</p> <p>24 A. Probably a couple years.</p> <p>25 Q. Okay. What was the next position?</p> |



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| <p style="text-align: right;">Page 30</p> <p>1 A. Unfortunately, it was -- they</p> <p>2 abolished the rank of sergeant, so I went back</p> <p>3 to being a deputy sheriff, probably 2010 maybe</p> <p>4 or '11.</p> <p>5 Q. When you say "they abolished the</p> <p>6 rank of sergeant," who is "they"?</p> <p>7 A. The sheriff at the time did.</p> <p>8 Q. Do you know why?</p> <p>9 A. I -- pretty sure it's because we</p> <p>10 were unionizing.</p> <p>11 Q. Okay. Are you in the union now?</p> <p>12 A. Currently, no, I'm not.</p> <p>13 Q. Okay. Have you ever been in a</p> <p>14 union?</p> <p>15 A. Yes.</p> <p>16 Q. From -- what was the union?</p> <p>17 A. The OPBA.</p> <p>18 Q. Ohio --</p> <p>19 A. Patrolman's Benevolent Association.</p> <p>20 Q. Okay. And -- wait. I think I can</p> <p>21 figure this out. You can't be in that union now</p> <p>22 because you're a captain?</p> <p>23 A. Yeah. I'm in a classified position,</p> <p>24 correct.</p> <p>25 Q. Okay. So when did you stop being a</p>   | <p style="text-align: right;">Page 32</p> <p>1 time in your career that you had -- that you had</p> <p>2 involvement with narcotics-related activity that</p> <p>3 you remember?</p> <p>4 MR. BADALA: Objection to form.</p> <p>5 A. I don't remember every case I've</p> <p>6 been involved with with narcotics. Like I said,</p> <p>7 it could have been me writing a marijuana</p> <p>8 ticket. I don't want to, you know, not be</p> <p>9 truthful about that. So I don't know, but my</p> <p>10 next step as far as supervising would have been</p> <p>11 when I was promoted to lieutenant.</p> <p>12 Q. In 2014?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. So tell me about that. What</p> <p>15 were you assigned to do when you were promoted</p> <p>16 to lieutenant?</p> <p>17 A. First I was overseeing the uniform</p> <p>18 division, which included our patrol division and</p> <p>19 our courts division, and then, after a couple</p> <p>20 months, was assigned to oversee the narcotics</p> <p>21 division.</p> <p>22 Q. To whom did you report when you were</p> <p>23 a lieutenant?</p> <p>24 A. Captain Don Michalosky.</p> <p>25 Q. Is Captain Michalosky still with the</p> |
| <p style="text-align: right;">Page 31</p> <p>1 member of the OPBA?</p> <p>2 A. When I was promoted to captain.</p> <p>3 Q. Okay. So you were in it when you</p> <p>4 were lieutenant?</p> <p>5 A. Yes, I was.</p> <p>6 Q. All right. I got a friend who's on</p> <p>7 the D.C. force and now he's the GC of the union,</p> <p>8 so I talked about this at a volleyball game. I</p> <p>9 learned a little bit about it. Probably off</p> <p>10 topic, though.</p> <p>11 Let's see. Going back to when you</p> <p>12 were -- when you went back to the patrol</p> <p>13 division in, roughly, 2007, when you were</p> <p>14 promoted to sergeant, did you have any</p> <p>15 involvement with any narcotics-related activity</p> <p>16 from that point?</p> <p>17 A. I don't remember that, sir.</p> <p>18 Q. Okay. Who was in charge of the</p> <p>19 narcotics division in 2007?</p> <p>20 A. Probably still Sergeant Miguel</p> <p>21 Caraballo.</p> <p>22 Q. And was he still reporting to</p> <p>23 Lieutenant Jackson, was it?</p> <p>24 A. I believe so, yes.</p> <p>25 Q. Okay. And I guess when is the next</p> | <p style="text-align: right;">Page 33</p> <p>1 department?</p> <p>2 A. No, he's not.</p> <p>3 Q. Where did he go?</p> <p>4 A. He retired and he works for the</p> <p>5 Metro Hospital Police Department.</p> <p>6 Q. Okay. Do you know what he does for</p> <p>7 them?</p> <p>8 A. He's a captain there.</p> <p>9 Q. When you were assigned to the</p> <p>10 narcotics division, who -- did you take over</p> <p>11 from someone?</p> <p>12 A. I took over at the time -- he was</p> <p>13 now Lieutenant Caraballo.</p> <p>14 Q. Okay.</p> <p>15 A. He was promoted before me as</p> <p>16 lieutenant.</p> <p>17 Q. So where did he go?</p> <p>18 A. He took over the uniform patrol.</p> <p>19 Q. You guys just switched?</p> <p>20 A. Kind of flip-flopped, yes.</p> <p>21 Q. By request or --</p> <p>22 A. No. It was told to us.</p> <p>23 Q. Okay. Do you know why they swapped</p> <p>24 it, switched it around?</p> <p>25 A. It was just to get a feel -- I don't</p>  |

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1 think he was ever in charge of a patrol unit and  
 2 it was just to get more well rounded, I guess.  
 3 Q. Which is the bigger unit, the patrol  
 4 unit or the narcotics unit?  
 5 A. Manpower-wise, the patrol unit, or  
 6 they call it the uniform personnel, because you  
 7 got our courts divisions as well.  
 8 Q. How many folks are in that unit?  
 9 A. You'd have to give me a second. I'm  
 10 trying to add it up in my head.  
 11 Q. Sure.  
 12 A. I'll give you an answer here.  
 13 Q. Take your time.  
 14 A. Probably between 80 and a hundred  
 15 uniform deputies.  
 16 Q. And when you became -- as a  
 17 lieutenant, when you were assigned to the  
 18 narcotics division, how many officers were in  
 19 that division?  
 20 A. Offhand, I don't know.  
 21 Q. Are we still in the neighborhood of  
 22 a dozen or so?  
 23 MR. BADALA: Objection to form.  
 24 A. Probably somewhere around that, yes.  
 25 Q. Okay. What was your -- what were

Page 35

1 your responsibilities as the -- well, as a  
 2 lieutenant assigned to the narcotics division,  
 3 did you have other responsibilities besides  
 4 narcotics?  
 5 A. Yes, I did.  
 6 Q. What were the other ones?  
 7 A. I oversaw our warrant unit, which is  
 8 basically what it says, guys go out and look for  
 9 people that have warrants in the county, and I  
 10 also oversaw what's our impact unit, which is  
 11 kind of a vice unit. It's a catchall. They do,  
 12 you know, anywhere from traffic enforcement to  
 13 prostitution stings, stuff like that. So those  
 14 were the other units I was overseeing as well as  
 15 our evidence.  
 16 Q. So as a lieutenant, I guess what  
 17 percentage of your time was spent dealing with  
 18 narcotics-related issues as opposed to the other  
 19 issues under your -- that you were in charge of?  
 20 MR. BADALA: Objection to form.  
 21 A. They were all pretty busy. You  
 22 know, I'd probably say it's -- it was probably  
 23 equal across the board.  
 24 Q. Did you have a mandate to prioritize  
 25 one of the jobs over the other or do them all

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1 well?  
 2 MR. BADALA: Objection to form.  
 3 A. I try not --  
 4 MR. BADALA: Just give me a second.  
 5 THE WITNESS: I'm sorry.  
 6 A. I tried not to neglect any of them,  
 7 to be honest with you.  
 8 Q. And -- sorry. You were reporting to  
 9 Captain Mich --  
 10 A. Michalosky. Please don't ask me to  
 11 spell it.  
 12 Q. I won't.  
 13 Did that ever change? Did you ever  
 14 report to someone else when you were lieutenant?  
 15 A. When he retired, I think I reported  
 16 to the sheriff, I think, yeah.  
 17 Q. Was it Sheriff Pinkney?  
 18 A. Yes.  
 19 Q. Okay. And then --  
 20 A. I'm sorry. Sheriff Bova I believe  
 21 it was at the time.  
 22 Q. Sheriff who?  
 23 A. Bova.  
 24 Q. How do you spell that one?  
 25 A. B-o-v-a.

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1 Q. Okay. And do you remember when  
 2 Captain Michalosky retired?  
 3 A. Not the exact year. A couple years.  
 4 Q. You're currently a captain in the  
 5 sheriff's department?  
 6 A. Yes.  
 7 Q. Are you still overseeing the  
 8 narcotics division?  
 9 A. Yes.  
 10 Q. Was there ever a time from whenever  
 11 it was in 2014 that you were assigned to the  
 12 narcotics division up till today where you have  
 13 not had some sort of responsibility over the  
 14 narcotics division?  
 15 A. No. That's -- I've always been  
 16 overseeing that.  
 17 Q. Okay. Going back -- let's go back  
 18 to when you were in the narcotics division in  
 19 2005 through 2007. What were -- did you enjoy  
 20 being in the narcotics division?  
 21 A. Yes, I did.  
 22 Q. What did you like about it?  
 23 A. The action, I guess if you call it  
 24 that, the everyday investigations that we  
 25 conducted. It was -- it was exciting.

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| <p style="text-align: right;">Page 38</p> <p>1 Q. And the mission back then was to --</p> <p>2 what was the mission of the narcotics division</p> <p>3 in 2005 to '07?</p> <p>4 A. Curtail -- drug enforcement, that</p> <p>5 was our goal.</p> <p>6 Q. And when you were doing that, how</p> <p>7 did you know -- who, if anyone, told you where</p> <p>8 to go, what to look for, how to do</p> <p>9 investigations?</p> <p>10 MR. BADALA: Object to form.</p> <p>11 A. Usually when any person enters a new</p> <p>12 unit, they'll pair you up with someone that's</p> <p>13 been in that unit before, so kind of a training</p> <p>14 officer takes you under their wing.</p> <p>15 Q. Who was your training officer?</p> <p>16 A. I think I was assigned to Detective</p> <p>17 Nelson.</p> <p>18 Q. Is -- you said detective. Is that a</p> <p>19 different rank?</p> <p>20 A. No. It's just when you -- if you</p> <p>21 get into our detective bureau, our narcotics</p> <p>22 division, you get the cool name of detective, I</p> <p>23 guess it is.</p> <p>24 Q. Have you ever had the title of</p> <p>25 detective?</p>                             | <p style="text-align: right;">Page 40</p> <p>1 it. That was probably incomprehensible.</p> <p>2 What were your -- what was the</p> <p>3 mission of the narcotics division in 2014, when</p> <p>4 you were -- when you were assigned to it as a</p> <p>5 lieutenant?</p> <p>6 A. When I got in the division, there</p> <p>7 was some changes. The focus was more on</p> <p>8 overdoses and prescription pills. We had</p> <p>9 started -- before I came into the unit, our</p> <p>10 detectives responded to overdoses within the</p> <p>11 county. And then there was also a program set</p> <p>12 up, it was called our drop box pill pickup</p> <p>13 program. So I was brought up to speed on those.</p> <p>14 Q. Did you have any involvement with</p> <p>15 overdoses and overdose investigations in the</p> <p>16 2005 to '07 time frame?</p> <p>17 A. I did not respond to any overdoses,</p> <p>18 no.</p> <p>19 Q. Do you know whether others on the</p> <p>20 narcotics division did?</p> <p>21 A. I don't remember any of them doing</p> <p>22 it, no.</p> <p>23 Q. That was something, though, that the</p> <p>24 narcotics division was doing when you became the</p> <p>25 lieutenant in 2014?</p> |
| <p style="text-align: right;">Page 39</p> <p>1 A. You could say that, yes.</p> <p>2 Q. When?</p> <p>3 A. In the narcotics division.</p> <p>4 Q. So in 2005 you were both deputy</p> <p>5 sheriff and detective?</p> <p>6 A. It's the same thing. You're always</p> <p>7 a deputy sheriff. I'm still a deputy sheriff</p> <p>8 today. Just different titles.</p> <p>9 Q. And when you became lieutenant, when</p> <p>10 you were the -- when you were promoted to</p> <p>11 lieutenant and assigned to the narcotics</p> <p>12 division, did that make you the head of the</p> <p>13 narcotics division?</p> <p>14 A. I was one of the supervisors. I was</p> <p>15 still reporting to a captain, which reports to a</p> <p>16 chief, which reports to the sheriff.</p> <p>17 Q. Okay. But the captain, Captain</p> <p>18 Michalosky, presumably had other things that he</p> <p>19 was also responsible for overseeing?</p> <p>20 A. Yes.</p> <p>21 Q. Were you the most senior person most</p> <p>22 focused on narcotics when you were the</p> <p>23 lieutenant?</p> <p>24 MR. BADALA: Objection to form.</p> <p>25 Q. It's a bad question. I'll withdraw</p> | <p style="text-align: right;">Page 41</p> <p>1 A. Yes.</p> <p>2 Q. And so do you know when that had</p> <p>3 started, "that" being responding to overdoses</p> <p>4 being part of the responsibilities?</p> <p>5 A. The exact time, no, I don't know.</p> <p>6 Q. Is that something that has been</p> <p>7 going on for several years?</p> <p>8 MR. BADALA: Objection to form.</p> <p>9 A. I'm not sure about the drop box</p> <p>10 program, but I believe they were responding to</p> <p>11 the overdoses.</p> <p>12 Q. Overdoses on what?</p> <p>13 A. Any suspected drug overdose they</p> <p>14 respond to.</p> <p>15 Q. And was there a particular drug or</p> <p>16 type of drugs that you were -- that you were</p> <p>17 seeing prevalent overdoses from?</p> <p>18 MR. BADALA: Objection to form.</p> <p>19 A. It was mainly heroin overdoses.</p> <p>20 Q. Anything else?</p> <p>21 A. You know, you really wouldn't know</p> <p>22 until you either got on scene or you got, you</p> <p>23 know, the report back from the medical examiner.</p> <p>24 Q. Okay. How many captains are there</p> <p>25 in the Cuyahoga County Sheriff's Department?</p>  |

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1 A. There's only two of us.  
2 Q. Okay. And to whom do you report  
3 today? You told me Deputy Taylor?  
4 A. Yes, Chief Deputy George Taylor.  
5 Q. Okay. And between Captain  
6 Michalosky and Chief Deputy Taylor, are there  
7 others that you've reported to in between there?  
8 I think you said maybe there was a brief --  
9 there was a period of time when you were  
10 reporting to Sheriff Bova?  
11 A. Are you talking about when I was a  
12 lieutenant or --  
13 Q. Sure. Let's start with lieutenant.  
14 A. Okay. When Captain Michalosky  
15 retired, actually, I reported to -- it was Chief  
16 Pinkney, who is now the sheriff.  
17 Q. Was he the chief deputy at the time?  
18 A. He was the chief deputy at the time.  
19 Sheriff Bova moved on to another position and  
20 Chief Pinkney took over the sheriff's spot. At  
21 that time we did not have a chief, so I reported  
22 right to the sheriff.  
23 Q. So to Sheriff Bova, then for a while  
24 to Sheriff Pinkney. And then where did Chief  
25 Deputy Taylor come from?

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1 MR. BADALA: Objection to form.  
2 Q. I mean, presumably his parents. Was  
3 he in the sheriff's department?  
4 A. No. He was with the county, with  
5 our safety department.  
6 Q. Okay. And when did he come on  
7 board?  
8 A. 2016, I believe. It's been a couple  
9 years.  
10 Q. When you were promoted to captain,  
11 then did someone get promoted to lieutenant or  
12 to run the --  
13 A. Yes.  
14 Q. To oversee the narcotics division?  
15 A. Yes.  
16 Q. Who was that?  
17 A. Lieutenant Eugene Sharpe.  
18 Q. And how long has Lieutenant -- is he  
19 still with the department?  
20 A. Yes. Yes, he is.  
21 Q. How long has Lieutenant Sharpe been  
22 with the sheriff's department?  
23 A. His whole career?  
24 Q. If you know.  
25 A. He's been there longer than I have.

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1 I don't know the exact hire date.  
2 Q. When you were a lieutenant in the  
3 narcotics division, was he a sergeant in that --  
4 was he in your division when you were the  
5 lieutenant?  
6 MR. BADALA: Objection to form.  
7 A. He was a sergeant in charge of the  
8 warrant unit, yes.  
9 Q. And so then he moved up and over --  
10 A. I moved and he -- right.  
11 Q. Have you personally -- Captain  
12 Gerome, have you ever had any responsibility  
13 relating to policy setting within the sheriff's  
14 department in terms of policies related to drug  
15 enforcement or responding to drug incidents?  
16 MR. BADALA: Objection to form.  
17 A. No, not as far as responding. No.  
18 Q. How about in terms of strategy,  
19 setting strategies or priorities for  
20 investigating drug-related offenses?  
21 MR. BADALA: Objection to form.  
22 A. We've -- I've had conversations with  
23 supervisors in the unit on the best way to -- it  
24 was mostly managing schedules of the detectives  
25 that would respond to the overdoses.

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1 Q. When you say the supervisors in the  
2 unit, who are you including?  
3 A. Lieutenant Sharpe at the time, and  
4 then the immediate supervisor would have been  
5 probably Sergeant Monteleone or Sergeant Hirko.  
6 Q. Do you have any responsibility --  
7 have you ever had any responsibility within the  
8 sheriff's department related to the department's  
9 budget?  
10 A. There is some responsibility there.  
11 Q. Describe that for me, please.  
12 A. Purchase orders, you know, daily  
13 purchase orders that might come through, office  
14 supplies, stuff like that, needs a captain to  
15 sign off on.  
16 Q. Okay. Anything else related to the  
17 budget?  
18 A. Any big expenditures, usually -- I  
19 usually discuss with the chief on equipment or  
20 anything like that.  
21 Q. Anything else?  
22 A. I get the update with our fiscal,  
23 head of our fiscal department, as to how we're  
24 doing with the budget.  
25 Q. Who is that? Who is the head of the

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1 fiscal department?

2 A. Donna Kaleal.

3 Q. And how long has -- Ms. Kaleal?

4 A. Yes.

5 Q. Does she have a rank or is she --

6 A. I don't know what her exact title --

7 head of fiscal department I guess is her title.

8 I don't know when she started with the sheriff's

9 department. She's been the head since I can

10 remember when I was a lieutenant.

11 Q. Okay. How do -- I guess could you

12 describe for me your responsibilities since

13 you've been a captain as it relates to the

14 narcotics division?

15 A. Yeah. It's overseeing, making sure

16 the guys have the proper -- the equipment they

17 need, the resources that they need to, you know,

18 operate on a daily basis. I brief -- a

19 lieutenant briefs me on what's going on, and if

20 there's anything, you know, out of the ordinary

21 or if we have search warrants coming up or

22 something like that. So the day-to-day

23 operation, that's delegated down.

24 Q. In terms of the resources, are there

25 any -- do you have -- do you have adequate

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1 resources for the narcotics division?

2 A. No.

3 Q. Why do you say that?

4 A. Right now we have six detectives.

5 As I've stated before, back in 2005 we had about

6 12. And we've taken on as a department a lot of

7 other operations. So we have to get our

8 staffing levels up more. And I'd like to put

9 more in our narcotics division.

10 Q. Have you requested adding folks to

11 the narcotics division?

12 A. Yes.

13 Q. How do you do that? Who do you ask?

14 A. Conversations with the chief, always

15 going over our personnel.

16 Q. And why haven't you gotten anybody

17 else yet?

18 A. Basically our staffing level at the

19 moment is down from where we should be.

20 Q. Do you know why that is? Why is

21 that, I guess?

22 A. We have high standards, so when we

23 do get applicants, some of them don't make it.

24 Q. So it's a lack of qualified

25 personnel as opposed to budget constraints?

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1 MR. BADALA: Objection to form.

2 A. It's -- it's a little bit of both, I

3 guess.

4 Q. Okay. Well, have you -- do you

5 have -- does the narcotics division have

6 adequate funding to carry out its mission?

7 MR. BADALA: Objection to form.

8 A. I don't know. I don't know.

9 Q. Okay. You don't know one way or the

10 other?

11 A. No.

12 Q. When you were a lieutenant, did

13 the -- a lieutenant overseeing the narcotics

14 division, did you have enough detectives?

15 A. No. I mean, as a supervisor, you

16 always want more to do more.

17 Q. Did you request more detectives when

18 you were a lieutenant?

19 A. I don't remember, but -- I don't

20 know.

21 Q. Okay. How about other than more

22 detectives; are there any resources that the

23 narcotics division is lacking to be effective in

24 accomplishing its mission?

25 MR. BADALA: Objection to form.

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1 A. Well, there's always the latest

2 technology that comes out that you'd like to --

3 you know, you'd like to get them, but again,

4 it's geared to budget and money and stuff like

5 that.

6 Q. Could you give me some examples of

7 new technology that you would want but haven't

8 been able to --

9 A. Well, they make some cameras that

10 you can purchase now, pole cameras, stuff like

11 that, pole like on a telephone pole, stuff like

12 that. There's devices they make now that, if

13 you have an informant going to do a drug

14 purchase for you, it could be a little credit

15 card, it could be any small little -- instead of

16 the wiring up technique that was used in the

17 past. I'm just -- you know, just like I said,

18 latest technology. Something is coming out new

19 all the time.

20 Q. How do you -- we were talking about

21 your responsibilities, and you said that it's

22 delegated down in terms of, I'm assuming, the

23 day-to-day investigations. How do you stay

24 abreast of what the folks in the narcotics

25 division are doing?



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| <p style="text-align: right;">Page 50</p> <p>1 A. The lieutenant briefs me on it<br/>2 almost daily.<br/>3 Q. In what format?<br/>4 A. He comes in my office.<br/>5 Q. Okay. Does he -- does he ever give<br/>6 you pieces of paper that list what they're<br/>7 doing?<br/>8 MR. BADALA: Objection to form.<br/>9 A. No.<br/>10 Q. Ever?<br/>11 A. No.<br/>12 Q. Okay. Any other way in which you're<br/>13 aware of what the folks in the division are<br/>14 doing besides the lieutenant briefing you?<br/>15 A. If there is an operation, say a<br/>16 search warrant, for example, and he's not -- or<br/>17 he is either going on it or he's not available<br/>18 to come to my office or I'm not available at the<br/>19 office, he will send me a quick e-mail or<br/>20 something like that, or, you know, a quick text<br/>21 or something like that.<br/>22 Q. All right. Do you use e-mail in<br/>23 your job?<br/>24 A. Yes.<br/>25 Q. Okay. And how many e-mail addresses</p> | <p style="text-align: right;">Page 52</p> <p>1 A. Yes.<br/>2 Q. Okay. Do you know whether those --<br/>3 both of those phones were searched in connection<br/>4 with production of documents in this case?<br/>5 MR. BADALA: Objection to form.<br/>6 A. I don't know.<br/>7 Q. Did anybody ever tell you they<br/>8 needed your phone for purposes of looking for<br/>9 documents in this case?<br/>10 A. No.<br/>11 Q. And how about your computer; do you<br/>12 know if anybody ever came and looked -- do you<br/>13 have a computer in your office?<br/>14 A. Yes.<br/>15 Q. And does that contain documents,<br/>16 information you use for work?<br/>17 MR. BADALA: Objection to form.<br/>18 A. Yes.<br/>19 Q. All right. Do you know whether that<br/>20 computer was ever searched for responsive --<br/>21 A. I don't know. Nobody ever came in<br/>22 with me being present there and looked for<br/>23 anything.<br/>24 Q. Did you ever -- were you ever made<br/>25 aware of any obligation to preserve documents</p>                          |
| <p style="text-align: right;">Page 51</p> <p>1 do you have?<br/>2 MR. BADALA: Objection to form.<br/>3 A. For the job?<br/>4 Q. Sure. Yes.<br/>5 A. Just the one.<br/>6 Q. Okay. What is that?<br/>7 A. My e-mail address?<br/>8 Q. Yes.<br/>9 A. It's Dgerome@cuyahogacounty.us.<br/>10 Q. And you mentioned texts. So do you<br/>11 use text messages in your job?<br/>12 A. Yes.<br/>13 Q. And is that a sheriff -- is it on<br/>14 your personal phone or sheriff department issued<br/>15 phone or both?<br/>16 A. I have two phones. Yeah, both.<br/>17 Q. Okay. One is personal, one is<br/>18 sheriff's department?<br/>19 A. Yeah. I have -- yeah. I have an<br/>20 issued phone and a personal phone. I use them<br/>21 both for work.<br/>22 Q. Okay. And you do both e-mail and<br/>23 text messages from the phone?<br/>24 A. Yes.<br/>25 Q. Phones?</p>  | <p style="text-align: right;">Page 53</p> <p>1 related to this -- that could be relevant to<br/>2 this litigation?<br/>3 A. Yes.<br/>4 Q. Okay. When was that?<br/>5 A. I don't remember the exact time.<br/>6 Q. All right. By the way, do you know<br/>7 what the lawsuit that you're here testifying in<br/>8 today is about?<br/>9 A. I have an idea, yes.<br/>10 Q. What's your understanding?<br/>11 A. The county is suing the medical<br/>12 companies for the opioid crisis that we're<br/>13 facing today.<br/>14 Q. What do you mean by "the opioid<br/>15 crisis that we're facing today"? What does that<br/>16 mean to you?<br/>17 A. To me that means, like I said, our<br/>18 department investigates overdoses, which is<br/>19 usually related back to that the deceased were<br/>20 at one time addicted to pills.<br/>21 Q. Why do you say that?<br/>22 A. Based on interviews we've conducted<br/>23 with family members, stuff like that, when we<br/>24 respond to these scenes, that's -- it usually<br/>25 relates back to that.</p> |



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| <p style="text-align: right;">Page 54</p> <p>1 Q. Have you read the complaint?</p> <p>2 A. No, I have not.</p> <p>3 Q. You have probably more important</p> <p>4 things to do.</p> <p>5 Have you spoken to anyone other than</p> <p>6 lawyers for the county about this lawsuit?</p> <p>7 A. Yes.</p> <p>8 Q. To whom?</p> <p>9 A. George Taylor, chief.</p> <p>10 Q. Okay. What did you and Chief Taylor</p> <p>11 talk about related to the lawsuit?</p> <p>12 A. Basically what I referred to before,</p> <p>13 is that I was meeting with the attorneys</p> <p>14 yesterday and the deposition hearing today.</p> <p>15 Q. Okay. Anything else that you talked</p> <p>16 about?</p> <p>17 A. No.</p> <p>18 Q. Did he ask you any questions?</p> <p>19 A. No.</p> <p>20 Q. Did you ask him any questions?</p> <p>21 A. No.</p> <p>22 Q. All right. You referred to -- in</p> <p>23 your answer to the opioid crisis. What do you</p> <p>24 understand an opioid to be?</p> <p>25 A. My definition of it?</p>  | <p style="text-align: right;">Page 56</p> <p>1 training that's specific to opioids of any --</p> <p>2 any sort of opioid and any sort of training?</p> <p>3 MR. BADALA: Objection to form.</p> <p>4 A. I have had what I referred to</p> <p>5 before, online training. Some of it dealt with</p> <p>6 prescription and other drugs. I've also had</p> <p>7 online training in OARRS. So yeah.</p> <p>8 Q. When did you do the -- when did you</p> <p>9 do this online training?</p> <p>10 A. It's -- I don't remember the exact</p> <p>11 times. The OARRS training came up this past</p> <p>12 year.</p> <p>13 Q. Okay. What is OARRS?</p> <p>14 A. The Ohio -- Ohio Automated</p> <p>15 Prescription Reporting System, I think it is.</p> <p>16 Q. Okay. What does it do or what is --</p> <p>17 what does OARRS do?</p> <p>18 A. From what I remember from the</p> <p>19 training, it's a database that keeps track of</p> <p>20 people's prescriptions that, on the law</p> <p>21 enforcement end, you could look up -- if you're</p> <p>22 investigating an active case, you can look up</p> <p>23 and get information from it.</p> <p>24 Q. Is that something you've ever done</p> <p>25 when investigating a case?</p> |
| <p style="text-align: right;">Page 55</p> <p>1 Q. Sure. Yeah.</p> <p>2 A. A drug that's addictive and helps</p> <p>3 relieve pain.</p> <p>4 Q. What, if any, drugs are you</p> <p>5 including within the category of opioids?</p> <p>6 A. I would include heroin, fentanyl,</p> <p>7 hydrocodone, oxycodone, morphine. And I don't</p> <p>8 know all the particular names for everything,</p> <p>9 but --</p> <p>10 Q. And then -- so that description, if</p> <p>11 I understood it correctly, that would include</p> <p>12 both medications that are FDA-approved</p> <p>13 prescription medications and illegal narcotics;</p> <p>14 is that right?</p> <p>15 MR. BADALA: Objection to form.</p> <p>16 Q. For example, is heroin a -- I'm not</p> <p>17 aware of heroin that you can get by a</p> <p>18 prescription.</p> <p>19 A. Neither am I.</p> <p>20 Q. Okay. So it's got -- that category</p> <p>21 of opioids has both prescription medications,</p> <p>22 and I don't know what you want to --</p> <p>23 A. Illegal, illicit drug. That's my</p> <p>24 understanding of it, yes.</p> <p>25 Q. Okay. Have you ever received any</p> | <p style="text-align: right;">Page 57</p> <p>1 A. No, I've never done that.</p> <p>2 Q. Do you know whether anyone in the</p> <p>3 sheriff's department has used OARRS before?</p> <p>4 A. No, I do not know.</p> <p>5 Q. Do you know whether the department</p> <p>6 has access to the OARRS database?</p> <p>7 A. I'm not aware of anyone having</p> <p>8 access in the sheriff's department.</p> <p>9 Q. Okay. Why did you get the training</p> <p>10 on the OARRS database?</p> <p>11 A. We do have a task force officer</p> <p>12 assigned to DEA. I don't know if he has access</p> <p>13 or not, but that is probably the reason why I</p> <p>14 was looking it up.</p> <p>15 Q. How long was the -- do you remember,</p> <p>16 how long was the course?</p> <p>17 A. It's probably no more than 15</p> <p>18 minutes, 20 minutes tops.</p> <p>19 Q. Is it a live lecture or is it --</p> <p>20 A. No. It's slides with a narrator.</p> <p>21 Q. Who's the task force officer -- did</p> <p>22 you say assigned to DEA?</p> <p>23 A. Yes.</p> <p>24 Q. Who is that?</p> <p>25 A. We have two deputies assigned to</p>  |

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| <p style="text-align: right;">Page 58</p> <p>1 DEA. One is John Gioitta, and we just recently<br/>2 assigned another detective there, Doug Jopek.<br/>3 Q. What does that mean, that they're<br/>4 assigned to DEA?<br/>5 A. In our department we have requests<br/>6 for outside agencies with assistance, so we like<br/>7 to call them -- they call them task forces, and<br/>8 they request the sheriff's department for a<br/>9 couple bodies to help out, and we've given them<br/>10 two bodies from our department.<br/>11 Q. So are they physically working out<br/>12 of DEA's offices?<br/>13 A. Yes.<br/>14 Q. Do you know what they're doing?<br/>15 A. On a day-to-day basis, I don't know<br/>16 every day what they're doing, but they're kind<br/>17 of assigned the same type of work our narcotics<br/>18 does.<br/>19 One is not street level narcotics,<br/>20 but when you get that -- climb that ladder to<br/>21 drug cartels and stuff, I think they're more<br/>22 heavily involved with that.<br/>23 And then the other one is assigned<br/>24 to -- I think it's prescription investigations.<br/>25 Q. Are drug cartels a problem in</p> | <p style="text-align: right;">Page 60</p> <p>1 A. Yeah, that they're happy with them.<br/>2 Yeah.<br/>3 Q. Anything else that you've -- any<br/>4 other discussions you've had with DEA?<br/>5 A. No. We kind of make -- you know,<br/>6 just normal conversations about helping out each<br/>7 other, you know. Whatever they need, we'll<br/>8 offer them help, our resources, and it goes vice<br/>9 versa.<br/>10 Q. Who's the DEA agent in charge?<br/>11 A. Keith Martin is the one I talk to.<br/>12 Q. How long has he been the DEA agent<br/>13 in charge?<br/>14 A. Since I can remember. A couple<br/>15 years maybe. I don't know.<br/>16 Q. Was he someone you talked to when<br/>17 you were a lieutenant?<br/>18 A. I did, yes.<br/>19 Q. I want to ask you a few questions --<br/>20 a few more questions about how the sheriff's<br/>21 department is organized, and I'm going to see if<br/>22 it helps or hurts to use an org chart.<br/>23 - - - - -<br/>24 (Thereupon, Gerome Deposition<br/>25 Exhibit 1, Cuyahoga County Sheriff's</p> |
| <p style="text-align: right;">Page 59</p> <p>1 Cuyahoga County?<br/>2 MR. BADALA: Objection to form.<br/>3 A. I have not encountered any, so I<br/>4 don't know.<br/>5 Q. Okay. But you have one of your --<br/>6 one of your officers is assigned to a DEA task<br/>7 force dealing with drug cartels?<br/>8 A. Yes.<br/>9 Q. How long has that been the case?<br/>10 When did -- how long have you had someone from<br/>11 the sheriff's department on that DEA task force?<br/>12 A. As long as I can remember. I'm not<br/>13 sure. Before I even got in the unit we've had<br/>14 people assigned over there.<br/>15 Q. Have you ever had any interactions<br/>16 with DEA?<br/>17 A. Yes.<br/>18 Q. Describe that for me, please.<br/>19 A. Talking to their officer in charge<br/>20 or agent in charge. We spoke numerous times<br/>21 about how, you know, they're doing over there<br/>22 and making sure they're doing what's requested<br/>23 of them.<br/>24 Q. Making sure that your people on<br/>25 their task force are doing a good job?</p>  | <p style="text-align: right;">Page 61</p> <p>1 Department Organizational Chart, was<br/>2 marked for purposes of<br/>3 identification.)<br/>4 - - - - -<br/>5 MR. BLOCK: So, for the record --<br/>6 how are we doing the numbers, just like --<br/>7 MR. BADALA: They haven't done<br/>8 witness name. You guys have just been doing 1.<br/>9 But you're free to do whatever you want.<br/>10 Q. Gerome 1, a one-page document<br/>11 entitled "Cuyahoga County Sheriff's Department."<br/>12 There's a date of October 2017 in the bottom<br/>13 right corner, Bates labeled CUYAH 12077.<br/>14 Captain Gerome, have you seen this<br/>15 before?<br/>16 A. Yes.<br/>17 Q. What is this document?<br/>18 A. It's an organization chart for<br/>19 our -- the sheriff's department.<br/>20 Q. Okay. Is this -- is this an<br/>21 accurate description of the organization of the<br/>22 sheriff's department as of today?<br/>23 A. This was October -- I'd have to look<br/>24 it over for a minute here.<br/>25 Q. Sure.</p>                              |

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| <p style="text-align: right;">Page 62</p> <p>1 A. Okay. I'm sorry. What was the<br/>2 question?<br/>3 Q. Whether this -- does this accurately<br/>4 depict how the sheriff's department is organized<br/>5 today?<br/>6 A. Yes, it is, except a couple of the<br/>7 names I think have gone on to other things.<br/>8 Q. Okay. And focusing now just on<br/>9 everything that falls under your name, so you<br/>10 are still a captain in the sheriff's department?<br/>11 A. Yes.<br/>12 Q. And Lieutenant Caraballo and<br/>13 Lieutenant Sharpe are still reporting to you?<br/>14 A. At the moment Lieutenant Sharpe is<br/>15 on medical leave.<br/>16 Q. He's on medical leave?<br/>17 A. Yes.<br/>18 Q. Is there somebody filling his<br/>19 responsibilities?<br/>20 A. I have delegated some of his areas<br/>21 to Lieutenant Caraballo and Lieutenant Smith,<br/>22 and then I've took over some of the other direct<br/>23 responsibilities.<br/>24 Q. Okay. As it pertains to narcotics<br/>25 or drug-related issues, to whom --</p>   | <p style="text-align: right;">Page 64</p> <p>1 Q. I haven't either. They advertise it<br/>2 during football games.<br/>3 Does the SWAT unit have any<br/>4 responsibilities related to drug issues?<br/>5 MR. BADALA: Objection to form.<br/>6 A. I guess they do. If there's a<br/>7 search warrant, they'll conduct the initial, I<br/>8 guess, entering the home, make sure it's secure<br/>9 before our detectives go in.<br/>10 Q. How big is the SWAT unit?<br/>11 A. I think we have 15, 16 members.<br/>12 Q. Then next, under Lieutenant Sharpe,<br/>13 is task forces.<br/>14 A. Yes.<br/>15 Q. What's encompassed within task<br/>16 forces?<br/>17 A. We have, as we mentioned, two<br/>18 officers assigned to DEA. We have a deputy<br/>19 assigned to HIDTA, which is another drug task<br/>20 force. High Intensity Drug Trafficking Area I<br/>21 believe is the correct title of it. We have<br/>22 another detective, a deputy, assigned to NOLETF,<br/>23 which is the Northeast Ohio Law Enforcement Task<br/>24 Force. I mentioned the two K9s. And let me see<br/>25 if -- and we do have a deputy assigned to --</p> |
| <p style="text-align: right;">Page 63</p> <p>1 A. I'm overseeing that right now.<br/>2 Q. Sort of directly?<br/>3 A. Yes.<br/>4 Q. Okay. Within the responsibilities<br/>5 that ordinarily would fall under Lieutenant<br/>6 Sharpe, what is -- what is encompassed within<br/>7 narcotics -- is it narcotics and K9 or is it<br/>8 narcotics K9, one separate unit?<br/>9 A. It's narcotics and K9. We have a<br/>10 couple of K9 dogs assigned to narcotics.<br/>11 Q. All right. And what's the -- what<br/>12 are the principal responsibilities of the<br/>13 narcotics K9 unit?<br/>14 A. We have one assigned to the post<br/>15 office task force. It's basically drug<br/>16 detection with K9s. The other one is assigned<br/>17 not only with us but with homeland security.<br/>18 Q. I think we've talked about the<br/>19 narcotics division. I'm trying to get a sense<br/>20 of which, if any, of these other units within<br/>21 the sheriff's department also touches on<br/>22 narcotics-related issues. So SWAT, I think I<br/>23 know what SWAT is. It's probably not quite like<br/>24 the show on TV.<br/>25 A. I've never seen the show.</p> | <p style="text-align: right;">Page 65</p> <p>1 with homeland security, and they do some<br/>2 narcotics investigations.<br/>3 Q. Who is -- I'm sorry.<br/>4 A. No.<br/>5 Q. Anything else within task force?<br/>6 A. No. I believe that's it as far as<br/>7 that falls under narcotics task forces.<br/>8 Q. You told us who was the two assigned<br/>9 to DEA. Who's assigned to HIDTA?<br/>10 A. HIDTA.<br/>11 Q. H-I-D-T-A, is that right?<br/>12 A. Yes. Ben Meder.<br/>13 Q. And how long has he been there?<br/>14 A. When I became a lieutenant, he was<br/>15 there, so I don't know how long before then he<br/>16 was assigned. So it's been a couple years.<br/>17 Q. Do you know -- how, if at all, do<br/>18 you know what he's doing over there?<br/>19 A. As of right now, I don't have daily<br/>20 contact with him, so I don't know.<br/>21 Q. Okay. Is there any -- is there any<br/>22 sort of strategic communication between the<br/>23 sheriff's department and that task force in<br/>24 terms of making sure you aren't duplicating<br/>25 efforts or getting in each other's way or</p>                          |

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| <p style="text-align: right;">Page 66</p> <p>1 anything like that?</p> <p>2 MR. BADALA: Objection to form.</p> <p>3 A. There's constant communication with</p> <p>4 our -- the supervisor sergeant from narcotics</p> <p>5 and the detectives assigned to each area or each</p> <p>6 task force. There's also -- HIDTA created a</p> <p>7 deconfliction database, so if you are looking at</p> <p>8 a suspect or investigating something, you can</p> <p>9 look in that database, see if anyone else is</p> <p>10 looking into the same thing.</p> <p>11 Q. That's something that you have</p> <p>12 access to at the sheriff's department, that</p> <p>13 database?</p> <p>14 A. If I wanted to, yes, I could have</p> <p>15 access to it.</p> <p>16 Q. Or folks within the narcotics</p> <p>17 division have access to it?</p> <p>18 A. Yes.</p> <p>19 Q. Who's assigned to the NOLETF?</p> <p>20 A. Mark Batone.</p> <p>21 Q. How long has he been there?</p> <p>22 A. The same deal. He was there before</p> <p>23 I even became a lieutenant in the division.</p> <p>24 Q. Okay. And who's assigned to</p> <p>25 homeland security?</p> | <p style="text-align: right;">Page 68</p> <p>1 your block as captain -- that have involvement</p> <p>2 with narcotics-related issues, besides -- we</p> <p>3 talked about SWAT, we talked about task force</p> <p>4 and we talked about narcotics K9.</p> <p>5 A. Our impact unit, which is a vice</p> <p>6 unit, does come in contact with drug activity, I</p> <p>7 guess you could say.</p> <p>8 Q. Who is in charge of the impact unit?</p> <p>9 A. Sergeant Kozub is the immediate</p> <p>10 supervisor.</p> <p>11 Q. Okay. What's the primary mission of</p> <p>12 the impact unit?</p> <p>13 A. They're, I guess you can call it, a</p> <p>14 catchall for the department. Like I said</p> <p>15 before, they can do anything from assisting --</p> <p>16 if you have a festival in your hometown, they'll</p> <p>17 help with security for that, all the way up to</p> <p>18 prostitution stings. They've done traffic</p> <p>19 enforcement. They have assisted other agencies</p> <p>20 with whatever they need. They're kind of -- if</p> <p>21 you call the county and want some assistance or</p> <p>22 resources, we ask those guys -- we task those</p> <p>23 guys with doing it.</p> <p>24 Q. Who within the sheriff's department</p> <p>25 sets the priorities for the impact unit?</p>          |
| <p style="text-align: right;">Page 67</p> <p>1 A. Anthony Edelman.</p> <p>2 Q. And going back to -- is it Deputy</p> <p>3 Batone?</p> <p>4 A. Deputy, yes.</p> <p>5 Q. Okay. How do you know what he's</p> <p>6 doing with that task force?</p> <p>7 A. It's the same thing with the deputy</p> <p>8 from HIDTA. The supervisor, the sergeant of the</p> <p>9 unit has contact with him and their supervisors</p> <p>10 over there.</p> <p>11 Q. Okay. And who's the sergeant in</p> <p>12 your unit that you're referring to?</p> <p>13 A. Currently right now, Sergeant Hirko.</p> <p>14 Q. Okay. Same sergeant, Hirko --</p> <p>15 Deputy Meder and Deputy Batone would report</p> <p>16 occasionally to Sergeant Hirko as to what</p> <p>17 they're doing?</p> <p>18 A. Yes.</p> <p>19 Q. All right. How about for Deputy</p> <p>20 Edelman at homeland security? How, if at all,</p> <p>21 do you know what he's up to over there?</p> <p>22 A. Same thing. He reports to Sergeant</p> <p>23 Hirko as well.</p> <p>24 Q. Okay. Are there any of the other</p> <p>25 units underneath -- well, starting with under</p>                   | <p style="text-align: right;">Page 69</p> <p>1 MR. BADALA: Objection to form.</p> <p>2 A. I think it's a discussion between</p> <p>3 the sergeant and it used to be Lieutenant</p> <p>4 Sharpe.</p> <p>5 Q. Okay. Any other of these units that</p> <p>6 have involvement with narcotics-related issues?</p> <p>7 MR. BADALA: Objection to form.</p> <p>8 A. Well, the drop box, which is</p> <p>9 incorrect. It falls under Lieutenant Sharpe,</p> <p>10 too. But you see that under Lieutenant Smith.</p> <p>11 They have involvement.</p> <p>12 Q. Could you briefly describe for us</p> <p>13 what the drop box unit -- is it a unit or --</p> <p>14 A. We have -- it falls under the</p> <p>15 evidence sergeant, but we have guys that are</p> <p>16 assigned to our evidence that do what we call</p> <p>17 the pill pickup program, so the drop box program</p> <p>18 throughout the county. We have what looks like</p> <p>19 a little mailbox called a drop box for</p> <p>20 prescription pills, unwanted, people can drop</p> <p>21 off. They're located at the -- usually the</p> <p>22 police stations, so they're monitored. And we</p> <p>23 have deputies assigned to go pick up the pills</p> <p>24 from these drop boxes on a daily basis.</p> <p>25 Q. Where do the pills go when they're</p> |

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| <p style="text-align: right;">Page 70</p> <p>1 collected?</p> <p>2 A. We store them in our evidence room</p> <p>3 and then we destroy them.</p> <p>4 Q. What kind of pills get dropped off?</p> <p>5 A. All types of pills. I don't know.</p> <p>6 I mean, exactly the type?</p> <p>7 Q. Yes.</p> <p>8 A. Mostly prescription bottles.</p> <p>9 Q. But all kinds of prescriptions --</p> <p>10 MR. BADALA: Objection to form.</p> <p>11 Q. -- or what kinds of prescriptions?</p> <p>12 A. I have not gone through them.</p> <p>13 Q. When did the drop box program start,</p> <p>14 if you know?</p> <p>15 A. I don't know. It was there when I</p> <p>16 became lieutenant.</p> <p>17 Q. Okay. Outside of -- are there other</p> <p>18 units within the sheriff's department that have</p> <p>19 involvement with narcotics-related issues?</p> <p>20 MR. BADALA: Objection to form.</p> <p>21 A. I mean, I think any law enforcement</p> <p>22 has come across narcotics issues, whether it be</p> <p>23 somebody having something on them, either</p> <p>24 entering a courthouse or, you know, a traffic</p> <p>25 stop, something like that, but the people that</p> | <p style="text-align: right;">Page 72</p> <p>1 were going to be going back to the narcotics</p> <p>2 division as one of your responsibilities, so</p> <p>3 that's 2014 at some point; is that right?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. Did you get a -- did you get</p> <p>6 any sort of briefing from anyone when you</p> <p>7 were -- now the narcotics division was falling</p> <p>8 under your supervision, as to what the narcotics</p> <p>9 division was doing and how it was operating?</p> <p>10 A. Yes.</p> <p>11 Q. From whom?</p> <p>12 A. Lieutenant Caraballo, who I was</p> <p>13 switching places with.</p> <p>14 Q. All right. How did that -- did you</p> <p>15 get anything in writing in terms of what was</p> <p>16 going on?</p> <p>17 A. No.</p> <p>18 Q. Just a face to face. How long did</p> <p>19 that take?</p> <p>20 A. I don't -- I think he probably</p> <p>21 updated me on what was going on and, I mean, we</p> <p>22 keep in contact. It's not like he was assigned,</p> <p>23 you know, somewhere I couldn't get a hold of</p> <p>24 him, but the meeting, I don't remember how long</p> <p>25 that lasted.</p>                     |
| <p style="text-align: right;">Page 71</p> <p>1 specifically investigate it are the ones we</p> <p>2 covered.</p> <p>3 Q. Okay. There's also medical director</p> <p>4 on here. What does the medical director for the</p> <p>5 sheriff's department do?</p> <p>6 A. That's the jail medical director.</p> <p>7 He oversees the medical dispensary stuff inside</p> <p>8 the jail.</p> <p>9 Q. Okay. And the director of nursing,</p> <p>10 that's also for the jail?</p> <p>11 A. Correct. And Marcus is no longer</p> <p>12 there.</p> <p>13 Q. Okay. All right. Great.</p> <p>14 MR. BLOCK: Why don't we take a</p> <p>15 break, if that's all right.</p> <p>16 MR. BADALA: Sure.</p> <p>17 THE VIDEOGRAPHER: Off the record,</p> <p>18 10:02.</p> <p>19 (Recess had.)</p> <p>20 THE VIDEOGRAPHER: On the record,</p> <p>21 10:16.</p> <p>22 BY MR. BLOCK:</p> <p>23 Q. Captain Gerome, I want to go back to</p> <p>24 when you were promoted to lieutenant and then</p> <p>25 assigned -- assignments were switched and you</p>   | <p style="text-align: right;">Page 73</p> <p>1 Q. Does the sheriff's department have</p> <p>2 any manuals of any sort that relate to how to</p> <p>3 conduct a narcotic-related investigation?</p> <p>4 A. No, not that I'm aware of.</p> <p>5 Q. If I replace the word "manual" with</p> <p>6 document, any piece of paper whatsoever that</p> <p>7 relates to how to conduct a narcotics-related</p> <p>8 investigation?</p> <p>9 MR. BADALA: Objection to form.</p> <p>10 A. Okay. I'm -- I'm not sure I</p> <p>11 understand that.</p> <p>12 Q. Sure.</p> <p>13 Are there any documents at all</p> <p>14 within the sheriff's department that deal with</p> <p>15 how to conduct a narcotics-related</p> <p>16 investigation?</p> <p>17 MR. BADALA: Objection to form.</p> <p>18 A. Not that I'm aware of, no.</p> <p>19 Q. Do you know how many employees there</p> <p>20 are within the sheriff's department?</p> <p>21 A. No, I don't.</p> <p>22 Q. Okay. We were talking about the</p> <p>23 number of folks in the narcotics division and</p> <p>24 you also testified a little earlier about your</p> <p>25 thoughts that there should be more detectives</p> |



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| <p style="text-align: right;">Page 74</p> <p>1 assigned to the narcotics division.<br/> 2 Do you remember that?<br/> 3 A. Yes.<br/> 4 Q. When you were talking about the<br/> 5 number of people within the narcotics division,<br/> 6 were you including within that count folks like<br/> 7 Detective Batone, who's assigned somewhere else?<br/> 8 A. No. I was specifically talking<br/> 9 about the detectives assigned in our division,<br/> 10 not task force officers, correct.<br/> 11 Q. I'm sorry?<br/> 12 A. Not the task force officers.<br/> 13 Q. You would count them separately?<br/> 14 A. I do.<br/> 15 Q. Okay. Does your department -- with<br/> 16 respect to narcotics-related investigations,<br/> 17 does the sheriff's department interact at all<br/> 18 with the Cleveland Police Department?<br/> 19 A. Yes.<br/> 20 Q. How so?<br/> 21 A. Again, deconflicting is what we call<br/> 22 it, and I guess if they need resources, we<br/> 23 provide them with the resources. If we need<br/> 24 something, they'll help us out.<br/> 25 Q. Deconflicting, how do you do that?</p>  | <p style="text-align: right;">Page 76</p> <p>1 his responses.<br/> 2 Q. Outside of that, do you guys e-mail<br/> 3 ever directly, one on one, you to Commander G?<br/> 4 A. We might have, probably just either<br/> 5 helping them out with an event or SWAT or<br/> 6 something like that. Yeah, I'm sure there's<br/> 7 e-mails in there with me and him.<br/> 8 Q. Are there any other local law<br/> 9 enforcement agencies that you, at the sheriff's<br/> 10 department, interact with as it relates to<br/> 11 narcotics investigations?<br/> 12 A. Me personally or our -- our<br/> 13 narcotics unit?<br/> 14 Q. Both.<br/> 15 A. Okay.<br/> 16 Q. Or either, I guess.<br/> 17 A. I've had a phone call or e-mail<br/> 18 conversations with some chiefs about our<br/> 19 overdose responses. Our detectives that respond<br/> 20 to the overdoses, they have a rapport with<br/> 21 agencies because they're responding to their<br/> 22 jurisdictions in conducting an investigation for<br/> 23 them or assisting with it, too.<br/> 24 Q. What chiefs do you recall having<br/> 25 conversations with, communications with?</p>  |
| <p style="text-align: right;">Page 75</p> <p>1 A. I mentioned the database that was<br/> 2 set up by HIDTA. Also, you know, detectives can<br/> 3 call each other.<br/> 4 Q. Do you have -- is there a<br/> 5 counterpart of yours at the Cleveland Police<br/> 6 Department in terms of having oversight for<br/> 7 narcotics-related investigations?<br/> 8 A. Counterpart, yeah. I have -- I talk<br/> 9 to Commander Gary Gingell, who oversees a lot of<br/> 10 their units as well.<br/> 11 Q. What do you and Commander Gingell --<br/> 12 A. It's pronounced -- everyone says it<br/> 13 different. It's G-i-n-g-e-l-l. So Gingell.<br/> 14 I've heard him be called jingles before.<br/> 15 Q. To his face?<br/> 16 A. Well, I haven't, but -- no.<br/> 17 Q. What do you and he talk about?<br/> 18 A. He's also in charge of SWAT over<br/> 19 there, so we go over resources for SWAT, and<br/> 20 then we also discuss, you know, how they're<br/> 21 handling their overdoses and stuff as well.<br/> 22 Q. Is that all -- do you guys ever<br/> 23 trade e-mails on these subjects?<br/> 24 A. I've -- he's part of an e-mail chain<br/> 25 with the medical examiner, so I've seen some of</p> | <p style="text-align: right;">Page 77</p> <p>1 A. Geez. The recent one I can remember<br/> 2 is Chief -- don't ask me how to spell this<br/> 3 either -- Scharschmidt from Parma Heights. We<br/> 4 talked about the investigations in his city.<br/> 5 There -- I can't remember the name.<br/> 6 There was a Parma -- I believe it was a captain<br/> 7 for Parma Police Department. We discussed their<br/> 8 role and our role in the investigations.<br/> 9 I think those are the most -- the<br/> 10 ones I can remember.<br/> 11 Q. What was being investigated in Parma<br/> 12 Heights?<br/> 13 A. We -- he -- I think he just became<br/> 14 chief. I think he was a captain. He had called<br/> 15 and asked, you know, how it all works as far as<br/> 16 us coming out and conducting an investigation if<br/> 17 there was a suspected drug overdose. I just<br/> 18 explained to him the procedure that we use as<br/> 19 far as calling out and detectives arriving on<br/> 20 scene and what they should do as a local<br/> 21 department to secure the scene.<br/> 22 And then I think we had one there,<br/> 23 and we did respond, but he -- he advised me at a<br/> 24 later time, I think on the phone, that they're<br/> 25 going to handle their investigations themselves,</p> |



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| <p style="text-align: right;">Page 78</p> <p>1 just keep it within their jurisdiction. And I<br/> 2 think that was the last conversation I had with<br/> 3 him.<br/> 4 Q. Meaning that he didn't want the<br/> 5 sheriff's department coming to any future<br/> 6 overdose scenes in the City of Parma Heights?<br/> 7 A. He said his detectives were going to<br/> 8 handle the scenes.<br/> 9 Q. Okay. Well, let's talk about --<br/> 10 let's talk about those -- this would be "the<br/> 11 scene" being the scene of an overdose?<br/> 12 A. Yes.<br/> 13 Q. Do you remember specifically, this<br/> 14 one in Parma Heights, what the person had<br/> 15 overdosed on?<br/> 16 A. No, I do not.<br/> 17 Q. Okay. I guess, does it -- is it the<br/> 18 same general procedure that's followed<br/> 19 regardless of the type of overdose? You don't<br/> 20 know when you get the call what someone has<br/> 21 overdosed on, I assume, generally, usually?<br/> 22 A. The only -- there might be some<br/> 23 limited information in the alerts that are sent<br/> 24 out, but no. The detectives won't know until<br/> 25 they actually get there and survey the scene and</p>   | <p style="text-align: right;">Page 80</p> <p>1 The locals are -- we kind of treat<br/> 2 it as a homicide scene now. So they secure the<br/> 3 scene like a normal homicide, with the tape and<br/> 4 everything like that, and our detectives will<br/> 5 show up and take over from there.<br/> 6 Q. Let me ask you a few follow-ups on<br/> 7 that.<br/> 8 First of all, how long has this been<br/> 9 something that the sheriff's department has been<br/> 10 responding to?<br/> 11 A. It was before I came -- became a<br/> 12 lieutenant, so I don't know the exact date it<br/> 13 started, but --<br/> 14 Q. And are we talking responding only<br/> 15 if there's been a -- I'm sorry. Is an<br/> 16 overdose -- is this always a fatality that<br/> 17 you're describing?<br/> 18 A. Lately, yes. Those are the ones we<br/> 19 respond to, yes. They're deceased.<br/> 20 Q. Okay. Are there ever times where<br/> 21 you respond to an overdose where the person is<br/> 22 not -- ends up not dying from the overdose?<br/> 23 A. Yeah. It has happened in the past.<br/> 24 We call it non-fatal. And with that, it's<br/> 25 usually the agency will probably request our</p>           |
| <p style="text-align: right;">Page 79</p> <p>1 see what's going on.<br/> 2 Q. So let's walk through that process.<br/> 3 First of all, how does the sheriff's<br/> 4 department know -- how are you made aware that<br/> 5 there's an overdose or a potential overdose that<br/> 6 needs investigating?<br/> 7 A. So within Cuyahoga County, we<br/> 8 respond to certain municipalities, townships,<br/> 9 not all of them. Some like to do their own. So<br/> 10 if there is a suspected drug overdose, the local<br/> 11 police department will notify the medical<br/> 12 examiner. If it's -- a medical examiner will<br/> 13 put out an alert to -- there's a list of people<br/> 14 on the e-mail chain -- advising them that we<br/> 15 have a possible drug overdose. They'll give the<br/> 16 location, usually the age, gender of the person<br/> 17 involved, and then maybe a brief thing if there<br/> 18 is suspected drugs on scene or anything like<br/> 19 that.<br/> 20 Our detectives are all on that alert<br/> 21 as well as the supervisors. So in certain<br/> 22 jurisdictions, we are responsible for going and<br/> 23 helping out. We have detectives that are on<br/> 24 call for that, and they are assigned, you know,<br/> 25 vehicles to respond to that scene.</p> | <p style="text-align: right;">Page 81</p> <p>1 assistance. If it's a smaller agency that<br/> 2 doesn't have the resources, they'll reach out to<br/> 3 us for assistance. But yes, it has happened.<br/> 4 Q. And then you said a detective from<br/> 5 the narcotics division, I suppose, goes to the<br/> 6 scene?<br/> 7 A. We assign two detectives to go.<br/> 8 Q. Two. Okay. Why two?<br/> 9 A. There's multiple things to be done.<br/> 10 Sometimes even the supervisor will show up if<br/> 11 needed. There are certain responsibilities they<br/> 12 have at the scene.<br/> 13 Q. And what are the detectives supposed<br/> 14 to do at the scene? What's their mission<br/> 15 basically?<br/> 16 A. Collect evidence, photograph the<br/> 17 scene, interview any witnesses, gain whatever<br/> 18 intelligence they can from whatever neighbors,<br/> 19 family members, friends, whoever they -- you<br/> 20 know, whatever information they can get on the<br/> 21 scene, and they'll start their investigation<br/> 22 from there.<br/> 23 Q. What are they investigating?<br/> 24 A. Our main objective is to find out<br/> 25 who was -- sold the drugs to this individual and</p> |

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| <p style="text-align: right;">Page 82</p> <p>1 try to go after them.</p> <p>2 Q. Is there -- is there a standard --</p> <p>3 is there some sort of -- is there a checklist</p> <p>4 that the detectives have for when they're on</p> <p>5 scene, here are the -- here's what we need to</p> <p>6 look for or the questions we need to ask?</p> <p>7 MR. BADALA: Objection to form.</p> <p>8 A. I'm not aware of a document or a</p> <p>9 checklist that -- they may have one of their</p> <p>10 own. I don't think there's an official one that</p> <p>11 was put out, but I think, like I said, they may</p> <p>12 have something on their own they go off of.</p> <p>13 Q. Is there any reporting obligation</p> <p>14 that the detectives who respond on the scene</p> <p>15 have? Do they have to write a report of what</p> <p>16 they observed?</p> <p>17 A. Yes, absolutely. Yes.</p> <p>18 Q. Okay. Is that report -- is that on</p> <p>19 a form or they can write it on a cocktail napkin</p> <p>20 if they want?</p> <p>21 A. No. We have a report management</p> <p>22 system now, so everything is documented on that.</p> <p>23 Q. What's the name of the management</p> <p>24 system?</p> <p>25 A. TAC, T-A-C.</p> | <p style="text-align: right;">Page 84</p> <p>1 that as well. And the Crime links up with our</p> <p>2 TAC system, so it linked up with other people's</p> <p>3 TAC system. But that was our main database for</p> <p>4 report writing and stuff like that.</p> <p>5 Q. Okay. Any other databases prior to</p> <p>6 Crime that you remember in terms of where the</p> <p>7 narcotics folks would report what they found on</p> <p>8 the scene?</p> <p>9 A. I think most detectives kept their</p> <p>10 own file folders, stuff like that.</p> <p>11 Q. Have you ever been a detective</p> <p>12 responding to an overdose scene?</p> <p>13 A. No, I have not.</p> <p>14 Q. Have you ever submitted a report</p> <p>15 related to an overdose scene?</p> <p>16 A. No, I have not.</p> <p>17 Q. Okay. That's -- those are the</p> <p>18 detectives in the field, so to speak, I guess</p> <p>19 that are doing it?</p> <p>20 A. Yeah. Our detectives that are on</p> <p>21 call, or if it happened now, one of our guys on</p> <p>22 duty would respond to it.</p> <p>23 Q. What are the detectives trained</p> <p>24 to -- what are they trained to look for at the</p> <p>25 crime scene? I'm sorry. At the scene. It's</p>  |
| <p style="text-align: right;">Page 83</p> <p>1 Q. What's that stand for?</p> <p>2 A. I don't know.</p> <p>3 Q. That's an electronic system?</p> <p>4 A. Yeah. It's a system that's used by</p> <p>5 most agencies here in Cuyahoga County and</p> <p>6 Northeast Ohio.</p> <p>7 Q. When you say "most agencies," who</p> <p>8 are you including?</p> <p>9 A. Police departments. I don't have</p> <p>10 the exact names of them, but I think within</p> <p>11 Cuyahoga County the majority of them use this</p> <p>12 system.</p> <p>13 Q. How long has TAC been -- how long</p> <p>14 has it been the TAC system that this information</p> <p>15 has been put into?</p> <p>16 A. For our department?</p> <p>17 Q. Yes.</p> <p>18 A. We introduced it this past year, I</p> <p>19 think January -- I'd say December, January is</p> <p>20 when we went live with it.</p> <p>21 Q. How were the reports collected prior</p> <p>22 to TAC?</p> <p>23 A. There's another database. It's</p> <p>24 called Crime. And that's linked to the</p> <p>25 prosecutors. And, again, a lot of agencies have</p>   | <p style="text-align: right;">Page 85</p> <p>1 considered a crime scene, I take it?</p> <p>2 A. Yeah. We consider it a homicide</p> <p>3 scene based on what we found in the past about</p> <p>4 overdoses and people selling these drugs.</p> <p>5 And I'm sorry. The question?</p> <p>6 Q. What are they trained to look for?</p> <p>7 A. Any sorts of evidence. It could be</p> <p>8 anywhere from a plastic baggie. A crucial piece</p> <p>9 now is a cell phone. We try to get those. If</p> <p>10 there's drug paraphernalia. Anything that could</p> <p>11 be considered, you know, evidence these days.</p> <p>12 Q. In terms of, I guess, part of what</p> <p>13 they're supposed to do is interview witnesses or</p> <p>14 potential witnesses; is that right?</p> <p>15 A. Yes. If there's -- obviously</p> <p>16 somebody found the person. If it wasn't law</p> <p>17 enforcement doing a welfare check, they'll try</p> <p>18 to interview those people. If there's family</p> <p>19 members present or someone has knowledge of the</p> <p>20 person, stuff like that, try to interview them.</p> <p>21 Q. What are they asking the people that</p> <p>22 they're interviewing?</p> <p>23 A. Just about, you know, their past.</p> <p>24 If they seen anything out of the ordinary, if</p> <p>25 they have a drug history, if this happened</p> |

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| <p style="text-align: right;">Page 86</p> <p>1 before. Just trying to get to know who the<br/>2 decedent is and, you know, try to get a little<br/>3 background on that.<br/>4 Q. And that information, whatever<br/>5 information they glean from those interviews, is<br/>6 included as part of the report that gets<br/>7 submitted into the Crime or, now, TAC database;<br/>8 is that right?<br/>9 A. I'd have to review specific reports.<br/>10 I think it's more of a feel who they're dealing<br/>11 with, where to go with the investigations. I<br/>12 don't know if they exactly include the history<br/>13 of that person because you're going off of<br/>14 witness statements. You know, you don't have<br/>15 anything official until the medical examiner<br/>16 comes out with what happened.<br/>17 Q. Is there any requirement that, let's<br/>18 say -- a lot of these scenes the response ends<br/>19 up being a heroin overdose; is that right?<br/>20 A. I'm sorry. Could you repeat that?<br/>21 Q. Heroin overdose scenes, is that --<br/>22 A. Yes, we've investigated those. Yes.<br/>23 Correct.<br/>24 Q. So is there any requirement for a<br/>25 detective who goes to a heroin overdose scene --</p> | <p style="text-align: right;">Page 88</p> <p>1 Q. Do they file two separate reports?<br/>2 You said that there are two detectives that go<br/>3 to the scene.<br/>4 A. No. It will be a lead detective who<br/>5 will do the actual reporting writing, and the<br/>6 other one might submit a supplement report on<br/>7 what they did.<br/>8 Q. Okay. What happens next in terms of<br/>9 the investigation?<br/>10 A. Are you talking about the scene<br/>11 itself or from --<br/>12 Q. Sure. Let's start with the scene<br/>13 itself.<br/>14 A. Securing the scene, photographs.<br/>15 You know, I might have left this out. The<br/>16 medical examiner comes and collects the body.<br/>17 So, you know, anything like evidence on the<br/>18 body. In Ohio here, the medical examiner is the<br/>19 only one that has the right to search the body<br/>20 unless they're in your presence. So after the<br/>21 scene is secure, interviews are done, and<br/>22 they'll leave.<br/>23 Q. Okay. What happens next?<br/>24 A. It depends on what was collected and<br/>25 what information you obtained. A lot of it --</p>   |
| <p style="text-align: right;">Page 87</p> <p>1 are they required to ask -- try to ascertain<br/>2 from whoever they interview whether that -- the<br/>3 person who overdosed on the heroin has ever in<br/>4 their life before taken a prescription opioid?<br/>5 A. That's something they can ask, yeah.<br/>6 I'm not sure I'm following your question.<br/>7 Q. My question is, are they required<br/>8 to?<br/>9 A. Are they required to?<br/>10 Q. Yes.<br/>11 A. No.<br/>12 Q. Are they trained to ask that<br/>13 question?<br/>14 A. I think any detective investigating,<br/>15 it's something you kind of want to know.<br/>16 Specific training, you know, our detectives have<br/>17 gone to interview interrogation school, stuff<br/>18 like that. So I don't know if that was brought<br/>19 up or not.<br/>20 Q. You don't know one way or the other?<br/>21 A. No, I don't.<br/>22 Q. All right. I guess what happens --<br/>23 what happens next? So the officer goes --<br/>24 sorry. The detectives --<br/>25 A. Yes.</p>   | <p style="text-align: right;">Page 89</p> <p>1 information, with the cell phone technology, we<br/>2 can get a search warrant for cell phones and try<br/>3 to see who the person has been contacting. We<br/>4 try to get information from whoever, if there's<br/>5 someone to interview on scene, if they know<br/>6 anybody, names, hanging out with, associates,<br/>7 stuff like that. Just trying to obtain<br/>8 information to try to get the person that caused<br/>9 this.<br/>10 Q. What happens next in terms of the<br/>11 investigation?<br/>12 A. Some investigations, like I said, it<br/>13 could turn into you finding out who the person<br/>14 was, the drug dealer. Some investigations, you<br/>15 might not have anything to go on, and those<br/>16 will, you know, sit until -- for information,<br/>17 only until you can get some more information.<br/>18 Obviously you wait for the medical examiner's<br/>19 report to come back to tell you exactly what it<br/>20 was.<br/>21 Q. Do you know how many -- how many<br/>22 arrests has the sheriff's department made based<br/>23 out of investigations from overdose scenes, if<br/>24 you know?<br/>25 A. No, not offhand I don't know.</p> |

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| <p style="text-align: right;">Page 90</p> <p>1 Q. Have there been arrests made as a<br/>2 result of investigations into overdose scenes?<br/>3 A. We -- as a matter of fact, last<br/>4 week -- it made the papers -- they arrested a<br/>5 guy that was selling fentanyl and heroin.<br/>6 Q. Where? Here in Cuyahoga County?<br/>7 A. Yes.<br/>8 Q. That was someone -- who arrested<br/>9 him, someone in the sheriff's department?<br/>10 A. Yeah. My detectives arrested him.<br/>11 Q. Okay. And this was a guy who was<br/>12 selling -- where was he getting the heroin?<br/>13 A. I don't know where he got the heroin<br/>14 from.<br/>15 Q. Okay. And the fentanyl that he was<br/>16 getting, was that like illicit fentanyl as<br/>17 opposed to it wasn't prescription?<br/>18 MR. BADALA: Objection to form.<br/>19 Q. Was it prescription fentanyl that he<br/>20 was selling?<br/>21 A. We don't know where he got the<br/>22 fentanyl.<br/>23 Q. Do you know what form the fentanyl<br/>24 was in? Was it a pill, patch?<br/>25 A. It was powder.</p> | <p style="text-align: right;">Page 92</p> <p>1 Q. Where?<br/>2 A. It was an apartment in Rocky River.<br/>3 Q. Does the sheriff's department keep<br/>4 track of the number of arrests that are made for<br/>5 drug offenses, I guess? Would this be an arrest<br/>6 for a drug offense, this guy who was arrested?<br/>7 A. Yes.<br/>8 Q. Okay. Do you keep track of the<br/>9 number of folks that the sheriff's department<br/>10 arrests for those kind of offenses?<br/>11 A. Statistics for drug arrests in the<br/>12 unit?<br/>13 Q. Yes.<br/>14 A. Yes, there are statistics.<br/>15 Q. Who keeps those?<br/>16 A. It's probably usually the<br/>17 supervisor, immediate supervisor of the unit.<br/>18 Q. So that would be?<br/>19 A. The sergeant.<br/>20 Q. Oh, the sergeant, okay. Remind me<br/>21 who the sergeant is.<br/>22 A. Right now it's Sergeant Hirko.<br/>23 Q. Hirko. All right.<br/>24 Have I asked you -- have you ever<br/>25 served on any task force related to narcotics?</p>   |
| <p style="text-align: right;">Page 91</p> <p>1 Q. Powder. All right.<br/>2 And how did it -- how were the<br/>3 people in your department able to find this guy<br/>4 and arrest him?<br/>5 A. I'm not familiar with the exact<br/>6 circumstances that led them to the search<br/>7 warrant. I was briefed on that. It was from an<br/>8 overdose scene that they investigated, and an<br/>9 important piece of evidence they were looking<br/>10 for was his phone -- they did get the phone --<br/>11 and trying to link that to the deceased<br/>12 overdose.<br/>13 Q. The person that was arrested was --<br/>14 is it a he?<br/>15 A. He, yes.<br/>16 Q. Was he a doctor?<br/>17 A. No. I'm sorry. Not that I'm aware<br/>18 of.<br/>19 Q. Okay. Did he work at a pharmacy?<br/>20 A. I don't know where he worked.<br/>21 Q. Or a distributor?<br/>22 A. Again, I don't know his background.<br/>23 Q. Okay. Do you know where he was<br/>24 arrested?<br/>25 A. Yes.</p>   | <p style="text-align: right;">Page 93</p> <p>1 A. No.<br/>2 Q. And if I say "narcotics," in your<br/>3 mind would that include like -- you testified<br/>4 earlier that prescription drugs are something<br/>5 you're looking into. Would you include those<br/>6 within narcotics? I didn't mean to be excluding<br/>7 them.<br/>8 A. Yes.<br/>9 Q. Okay. Have you -- has the sheriff's<br/>10 department ever responded to an overdose where<br/>11 the person overdosed on prescription narcotics?<br/>12 A. I'm not aware of every toxicology<br/>13 report that we've responded to, so I don't know.<br/>14 Q. Are you aware of any arrests the<br/>15 sheriff's department has made that stemmed out<br/>16 of an investigation of someone who overdosed on<br/>17 prescription narcotics?<br/>18 MR. BADALA: Objection to form.<br/>19 A. No, I'm not aware. I don't know.<br/>20 Q. Okay. Do you know whether the<br/>21 sheriff's department has ever investigated any<br/>22 physicians relating to prescription narcotics?<br/>23 A. Since I've been in the unit, I was<br/>24 never briefed on those, investigating<br/>25 physicians.</p> |

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| <p style="text-align: right;">Page 94</p> <p>1 Q. Same question, investigated any<br/>2 pharmacies?</p> <p>3 A. Same answer. Not that I'm aware of<br/>4 since I've been in charge.</p> <p>5 Q. And same question, investigated any<br/>6 distributors?</p> <p>7 A. Again, not that I'm aware of since I<br/>8 took over.</p> <p>9 Q. And investigated any manufacturers<br/>10 of prescription medications?</p> <p>11 A. Not that I'm aware of since I've<br/>12 been in charge of the unit.</p> <p>13 Q. Let's see. The alert that triggers<br/>14 the scene investigation, that comes from the<br/>15 county medical examiner; is that right?</p> <p>16 A. Yes.</p> <p>17 Q. Is that Mr. Shannon?</p> <p>18 A. He works for the medical examiner.<br/>19 I'm not sure if he's the actual one sending the<br/>20 alert. I don't know who actually the person<br/>21 typing in the alert is, but it comes from their<br/>22 office.</p> <p>23 Q. All right. So is that the only way<br/>24 the alert gets to the sheriff's department is<br/>25 through the e-mail?</p>   | <p style="text-align: right;">Page 96</p> <p>1 can vary, depending on, you know, vacation and<br/>2 stuff, that are on call to respond to that, and<br/>3 that's -- it's a 24/7 operation for us.</p> <p>4 Q. I can't remember -- sorry -- if I<br/>5 finished asking you the question I intended to.<br/>6 I jumped around. Have you ever served on any<br/>7 task force -- task forces relating to narcotics?</p> <p>8 A. No, I have not.</p> <p>9 Q. Have we -- we talked about some of<br/>10 the sheriffs -- the deputy sheriffs who are<br/>11 assigned to other task forces. I want to make<br/>12 sure we've exhausted that list. Are you<br/>13 familiar with something called -- let me strike<br/>14 everything I just said and ask a different<br/>15 question.</p> <p>16 Are you familiar with something<br/>17 called the Cuyahoga County Opiate Task Force?</p> <p>18 A. Yes.</p> <p>19 Q. What is that?</p> <p>20 A. Well, the sheriff's department is<br/>21 part of that. I've been to some meetings on<br/>22 behalf of the sheriff. And that's just<br/>23 department heads within Cuyahoga County coming<br/>24 together, meeting. I want to say it's like once<br/>25 or -- a month or once every couple months, and</p> |
| <p style="text-align: right;">Page 95</p> <p>1 A. It's e-mail, and you can set it up<br/>2 so you receive a text as well.</p> <p>3 Q. Okay. So I guess you guys have to<br/>4 be checking your phones and e-mails frequently?</p> <p>5 A. Well, you hear it. I mean, you hear<br/>6 it go off.</p> <p>7 Q. Does it have a special alarm<br/>8 associated with it as opposed -- you know, like<br/>9 sometimes you get an Amber alert and your phone<br/>10 goes nuts.</p> <p>11 A. It probably depends how you set up<br/>12 your phone. Mine is just a regular text like<br/>13 any other text that comes through.</p> <p>14 Q. All right. And is there a protocol<br/>15 within the sheriff's department for making sure<br/>16 that -- it sounds like a lot of people are<br/>17 getting the e-mail. How do you know -- how does<br/>18 it get decided, okay, you two men or women are<br/>19 the ones tasked with responding to the scene?</p> <p>20 A. So in our department we have it set<br/>21 up where the detectives that are on duty during<br/>22 the day will respond to it. We also have two<br/>23 detectives that are -- works a different shift.<br/>24 They're an afternoon shift until the nighttime.<br/>25 And then we have detectives, the same ones or it</p> | <p style="text-align: right;">Page 97</p> <p>1 just discussing the resources and what's being<br/>2 done or what can be done to put an end to the<br/>3 opiate epidemic, I guess.</p> <p>4 Q. How long has that task force been in<br/>5 place?</p> <p>6 A. Since about -- when I was promoted<br/>7 as lieutenant it was in place.</p> <p>8 Q. Okay. Do you know how much further<br/>9 before that?</p> <p>10 A. No, I don't.</p> <p>11 Q. When is the first -- are these<br/>12 in-person meetings? Does the task force have<br/>13 in-person meetings?</p> <p>14 A. Yes.</p> <p>15 Q. Where do they do those?</p> <p>16 A. The ones I attended, which was a<br/>17 couple, at the Federal Building.</p> <p>18 Q. Okay. Is there -- does someone<br/>19 chair the meeting? Is there a head of that task<br/>20 force?</p> <p>21 A. The one I -- yeah. There's --<br/>22 there's the U.S. Attorney's Office. Her name is<br/>23 Carole Rendon. The ones I was at, she was<br/>24 involved. She chaired it.</p> <p>25 Q. Did you actively participate in --</p>   |



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| <p style="text-align: right;">Page 98</p> <p>1 have you actively participated in any of these<br/>2 meetings, where you got up and -- I don't know<br/>3 if you stand up, but you said here are my<br/>4 thoughts or here's something I have to report?<br/>5 A. I don't remember standing up giving<br/>6 a briefing on anything. Usually introductions<br/>7 are made in case there's somebody there that<br/>8 hasn't been there before. They give you a brief<br/>9 briefing on what, you know, the events they're<br/>10 about to talk about and the events that were<br/>11 talked about at the last meeting. Like I said,<br/>12 Gary Gingell from Cleveland Police is there, and<br/>13 there's some other -- a couple judges attend it.<br/>14 Q. Is there anybody from DEA?<br/>15 A. Yes. Keith Martin has attended it<br/>16 before. So it's -- there's a little agenda.<br/>17 And then there's civilians, you know, with<br/>18 certain programs that attend it as well. So<br/>19 it's just -- it's a roundabout table talking<br/>20 about -- we can bring up anything you want,<br/>21 whatever to try to end this.<br/>22 Q. Can you remember any discussions<br/>23 at -- from these opiate task force meetings<br/>24 where prescription opioids have been the<br/>25 subject?</p> | <p style="text-align: right;">Page 100</p> <p>1 department who -- who is the principal person<br/>2 who normally goes to the opiate -- the opiate<br/>3 task force meetings?<br/>4 A. The sheriff is usually invited, and<br/>5 like I said, I would represent him. The chief<br/>6 has gone to a couple, I believe.<br/>7 Q. Have you ever been asked by the<br/>8 chief for a briefing -- the chief said, "I'm<br/>9 going to this task force meeting, anything I<br/>10 should be aware of," like getting input from you<br/>11 before he goes to the meeting?<br/>12 A. No, he's never asked me that.<br/>13 Q. Same question for the sherriff. Has<br/>14 he ever asked you for input?<br/>15 A. No.<br/>16 Q. Do you know whether the sheriff's<br/>17 department provides any information to the task<br/>18 force?<br/>19 A. I have never provided information.<br/>20 I don't know if they have when they've attended.<br/>21 Q. Do you get -- you said you get an<br/>22 agenda. For the times you participated, there<br/>23 was an agenda?<br/>24 A. Yes.<br/>25 Q. Was that something you got in</p> |
| <p style="text-align: right;">Page 99</p> <p>1 A. I don't remember specifics from the<br/>2 meeting, but it's talked about.<br/>3 Q. What do you remember being talked<br/>4 about, if anything, relating to prescription<br/>5 medications?<br/>6 A. Probably treatment for individuals,<br/>7 I think, was discussed.<br/>8 Q. What do you mean by that?<br/>9 A. The judges usually brought up<br/>10 treatment for individuals that come in their<br/>11 courtroom that are charged with either<br/>12 prescriptions or heroin or stuff that's related<br/>13 to overdoses.<br/>14 Q. And when you say "treatment," what<br/>15 do you mean?<br/>16 A. Rehab. You know, their drug<br/>17 addiction treatment.<br/>18 Q. Got it.<br/>19 Anything else -- any other<br/>20 discussions that you can remember from these<br/>21 opiate task force meetings relating to<br/>22 prescription medications?<br/>23 A. I haven't attended one in a while,<br/>24 so not that I remember.<br/>25 Q. Is there someone from the sheriff's</p>  | <p style="text-align: right;">Page 101</p> <p>1 advance?<br/>2 A. Yes.<br/>3 Q. And are there minutes? Do you get<br/>4 minutes of the meetings afterward?<br/>5 A. I don't think there is minutes.<br/>6 It's a pretty generic agenda of what was talked<br/>7 about at, I think, the last meeting, what they<br/>8 want to talk about at this meeting.<br/>9 Q. And how about within -- shifting<br/>10 gears a little bit, staying on the topics of<br/>11 minutes, and we can look at them in a little<br/>12 bit, but I've seen some minutes of sheriff's<br/>13 department meetings. Have you ever seen minutes<br/>14 of meetings just within your sheriff's<br/>15 department about -- I'll finish the question<br/>16 there.<br/>17 A. No. Go ahead.<br/>18 Q. That was the question. Have you<br/>19 ever seen minutes?<br/>20 A. Yes, I have.<br/>21 Q. All right. Who -- do you know who<br/>22 prepares those?<br/>23 A. The sheriff's secretary, when we<br/>24 have a staff meeting, takes care of those.<br/>25 Q. Okay. How often do you have staff</p>  |



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| <p style="text-align: right;">Page 102</p> <p>1 meetings?</p> <p>2 A. Once a month.</p> <p>3 Within the sheriff's department?</p> <p>4 Q. Yes.</p> <p>5 A. Yeah, once a month.</p> <p>6 Q. Okay. And how long -- who -- to</p> <p>7 what rank -- what ranks attend the staff</p> <p>8 meetings?</p> <p>9 A. On the law enforcement end, there's</p> <p>10 actually two staff meetings. One is a law</p> <p>11 enforcement staff meeting and then there's an</p> <p>12 all staff meeting. The all staff meeting is the</p> <p>13 one we're referring to where they take the</p> <p>14 minutes. In law enforcement it's lieutenants</p> <p>15 and above attend it.</p> <p>16 Q. Are there minutes kept of the law</p> <p>17 enforcement meetings?</p> <p>18 A. No.</p> <p>19 Q. Are there agendas submitted ahead of</p> <p>20 time?</p> <p>21 A. No.</p> <p>22 Q. Are there any pieces of paper</p> <p>23 whatsoever related to the law enforcement staff</p> <p>24 meetings?</p> <p>25 A. No.</p>   | <p style="text-align: right;">Page 104</p> <p>1 meetings; can you remember any law enforcement</p> <p>2 staff meeting where prescription medications</p> <p>3 were discussed?</p> <p>4 A. No, I don't remember.</p> <p>5 Q. Okay. And have you gone to -- you</p> <p>6 said the law enforcement staff meetings were</p> <p>7 lieutenant and above. So have you regularly</p> <p>8 participated in those since you were promoted to</p> <p>9 lieutenant?</p> <p>10 A. Yes.</p> <p>11 Q. All right. On the drop box program,</p> <p>12 does that -- I guess who, if anybody -- do they</p> <p>13 inventory what is turned in in the drop boxes?</p> <p>14 A. Inventory it?</p> <p>15 Q. Yes.</p> <p>16 A. As far as marking what pills or --</p> <p>17 no. They weigh it. That's about all they do.</p> <p>18 Q. And how is it -- how is that</p> <p>19 material destroyed?</p> <p>20 A. There's several ways we get -- do</p> <p>21 it. We used to take it to Charter Steel, which</p> <p>22 is a steel mill, and they used to burn it for</p> <p>23 us. They no longer do that. We have a company</p> <p>24 called Ross Disposal we've taken it to. They're</p> <p>25 located, I think, at the Elyria/Lorain area.</p>   |
| <p style="text-align: right;">Page 103</p> <p>1 Q. All right. And you said that the</p> <p>2 all staff meetings are once a month?</p> <p>3 A. Yes.</p> <p>4 Q. Is it a set -- it's always the</p> <p>5 second Tuesday of every --</p> <p>6 A. It's -- yeah, it is -- I don't</p> <p>7 remember what day it is. I think it's usually</p> <p>8 on a Wednesday, so I think it's the first</p> <p>9 Wednesday of every month.</p> <p>10 Q. All right. And is there an agenda</p> <p>11 sent around ahead of time?</p> <p>12 A. No.</p> <p>13 Q. Are you expected to -- how do you</p> <p>14 know what, if anything, you're supposed to cover</p> <p>15 at the staff meeting?</p> <p>16 MR. BADALA: Objection to form.</p> <p>17 A. I guess it's up to the supervisor to</p> <p>18 just give updates on what's going on.</p> <p>19 Q. So let's -- the all staff meetings,</p> <p>20 can you recall any all staff meeting at the</p> <p>21 sheriff's department where prescription</p> <p>22 medications were discussed?</p> <p>23 MR. BADALA: Objection to form.</p> <p>24 A. I don't remember.</p> <p>25 Q. And how about law enforcement staff</p> | <p style="text-align: right;">Page 105</p> <p>1 I'm not sure if you're familiar with the area.</p> <p>2 Q. Yes.</p> <p>3 A. They'll dispose it. And then now</p> <p>4 currently, the DEA -- we're turning it over to</p> <p>5 the DEA. I think it's set up for like two or</p> <p>6 three times a year we're going to turn</p> <p>7 everything over to them and let them destroy it.</p> <p>8 Q. Do you have any involvement with the</p> <p>9 High Intensity Drug Trafficking Area Task Force?</p> <p>10 A. Me personally?</p> <p>11 Q. Yes.</p> <p>12 A. We have a detective assigned to it,</p> <p>13 so I guess if I oversee the narcotics division,</p> <p>14 that it flows up the chain, yeah.</p> <p>15 Q. What do you understand the mission</p> <p>16 or the purpose of that task force to be?</p> <p>17 A. They mainly deal with interdictions.</p> <p>18 It could be hotel interdictions. And I think</p> <p>19 that's their -- you know, that's what they do.</p> <p>20 Q. What do you mean by interdiction?</p> <p>21 A. Hotel or motel interdictions. If we</p> <p>22 get complaints from either hotel management or</p> <p>23 citizens, wherever, of any drug activity going</p> <p>24 on inside the hotel or motel, they'll set up on</p> <p>25 it and investigate it.</p> |

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1 Q. Okay. Is there a lead agency within  
2 that task force, to your understanding?  
3 A. I believe Cleveland Police  
4 Department leads that.  
5 Q. Okay. Do you know what -- is there  
6 a principal drug or type of drugs that that task  
7 force is focused on?  
8 A. No. All drugs. I don't know that  
9 they specify one or not.  
10 Q. Marijuana?  
11 A. It could be.  
12 Q. Cocaine?  
13 A. Could be, yes.  
14 Q. Would that include prescription  
15 medications?  
16 A. It would be whatever they came  
17 across. Just like any other law enforcement,  
18 something illegal, they act on it.  
19 Q. All right. Have you ever personally  
20 arrested anybody for any offense related to  
21 prescription medications?  
22 A. Not that I remember, no.  
23 Q. Have you ever arrested anybody  
24 related to -- for an offense related to  
25 marijuana?

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1 A. Yes.  
2 Q. Cocaine?  
3 A. Yes.  
4 Q. Heroin?  
5 A. Yes.  
6 Q. Fentanyl?  
7 A. No.  
8 Q. The cocaine, marijuana, heroin  
9 arrest, was that when you were -- when did you  
10 make those arrests?  
11 MR. BADALA: Objection to form.  
12 A. During my time in narcotics, but as  
13 far as marijuana, that's kind of throughout your  
14 career, and probably cocaine and stuff like  
15 that. It's throughout your career as law  
16 enforcement. I can't give you specific dates or  
17 times, but it's occurred over time.  
18 Q. Okay. Are you familiar with  
19 something called STANCE, Standing Together  
20 Against Neighborhood Crime Everyday?  
21 A. Yes.  
22 Q. Do you have any -- what is that?  
23 A. Again, it's the department heads get  
24 together. I've -- have not attended one of  
25 those so I don't know what's discussed in those.

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1 Q. Okay. Are you -- do you have any --  
2 does the sheriff's department participate in  
3 STANCE?  
4 A. Yes. I believe the chief or sheriff  
5 attend those, or the other captain. I have not.  
6 Q. Do you know whether STANCE has  
7 anything to do with narcotics?  
8 MR. BADALA: Objection to form.  
9 A. I have not attended a meeting, so I  
10 don't know.  
11 Q. All right. To your understanding,  
12 it's either the sheriff or the deputy who would  
13 represent the sheriff's department at STANCE  
14 meetings?  
15 A. From what I understand, it's the  
16 sheriff, Chief Deputy Taylor, or the other  
17 captain, Captain Peters, would have attended one  
18 of those. I have not.  
19 Q. Okay. Do you -- have you ever  
20 served on the Cuyahoga County Drug Board Court  
21 Advisory Board?  
22 A. Have I served on it?  
23 Q. Yes.  
24 A. No.  
25 Q. Would it surprise you if you were

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1 listed on their listing of the advisory board?  
2 Let me -- I'll back up.  
3 Do you know what the drug court,  
4 county drug court does?  
5 A. Yeah. The term you used kind of  
6 confused me. What did you call it? I'm sorry.  
7 Q. I called it the county drug court  
8 advisory board.  
9 A. Okay. It's just referred to as drug  
10 court. That's why it kind of confused me.  
11 Q. Fair enough. I'm really not trying  
12 to trick you.  
13 Do you have any involvement with the  
14 drug court?  
15 A. Right now, no.  
16 Q. Have you ever?  
17 A. Yes.  
18 Q. Describe for me your involvement  
19 with the drug court.  
20 A. I can't remember what year. It was  
21 after I was a lieutenant in charge of the  
22 uniform courts division. The judges requested a  
23 couple of our deputy sheriff's that work in the  
24 courtrooms to specifically work their  
25 courtrooms, which they were in charge of, you

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| <p style="text-align: right;">Page 110</p> <p>1 know, drug court obviously.<br/> 2 Q. Yes.<br/> 3 A. We gave them -- we gave them two<br/> 4 deputies we felt would do the best job for them<br/> 5 and assigned them to that.<br/> 6 Q. What were the judges looking for?<br/> 7 A. Someone that would talk to the<br/> 8 offenders, maybe go check on them. Kind of --<br/> 9 whatever kind of the judge requested that they<br/> 10 wanted -- that they would do.<br/> 11 Q. Okay. And so are there currently<br/> 12 deputies from the sheriff's department who are<br/> 13 what, assigned to the drug court or is part of<br/> 14 their responsibilities?<br/> 15 A. Since I'm not in charge of courts<br/> 16 anymore, I don't know if they still have<br/> 17 deputies assigned to that or not.<br/> 18 Q. When you were assigned to courts, is<br/> 19 that court security -- I'm looking at the org<br/> 20 chart, Exhibit 1. Which group would that be?<br/> 21 A. I'm just making sure it's not called<br/> 22 something else here.<br/> 23 Q. Sure.<br/> 24 A. Yeah, it would be court security.<br/> 25 Q. Okay. When you were in charge of</p> | <p style="text-align: right;">Page 112</p> <p>1 A. No.<br/> 2 Q. We'll come back to that.<br/> 3 Do you know, the folks -- so does<br/> 4 the sheriff's department get any funding that's<br/> 5 related to having members of the sheriff's<br/> 6 department that are assigned to task forces?<br/> 7 A. I'm sure the overtime that the task<br/> 8 force officers can accrue are paid for by those<br/> 9 agencies up to a certain limit. I don't know if<br/> 10 that answers the question or not.<br/> 11 Q. That helps, yes.<br/> 12 A. As far as grants for them to be on<br/> 13 these task forces, I'm not aware -- the<br/> 14 sheriff's department, we pay their salaries,<br/> 15 their regular salaries.<br/> 16 Q. Does the sheriff's department have<br/> 17 any other expenditures other than the salaries<br/> 18 of the people participating in the task force<br/> 19 relating to the operations of the task force?<br/> 20 MR. BADALA: Objection to form.<br/> 21 A. We're still responsible for<br/> 22 equipment, their gun, ammunition, vest, any type<br/> 23 of equipment that the normal officer would need.<br/> 24 We're still responsible for all that.<br/> 25 Q. Okay. Anything else?</p> |
| <p style="text-align: right;">Page 111</p> <p>1 court security, the people you identified as the<br/> 2 ones who would be good for that role, were they<br/> 3 affiliated with the narcotics division?<br/> 4 A. No.<br/> 5 Q. Is there any -- any coordination at<br/> 6 all between the court security and the narcotics<br/> 7 division? I mean, did the court security people<br/> 8 learn anything in that role that could be<br/> 9 helpful to the narcotics division in its<br/> 10 operations?<br/> 11 MR. BADALA: Objection to form.<br/> 12 A. I'm not aware they had<br/> 13 communications with each other. I don't know.<br/> 14 Q. Okay. So how long were you involved<br/> 15 with the drug court?<br/> 16 A. When I was promoted to captain, so<br/> 17 it was a couple of years.<br/> 18 Q. Okay. Did you ever go to meetings<br/> 19 related to the drug court, whether they were<br/> 20 officially called an advisory board or something<br/> 21 else?<br/> 22 A. No, I did not.<br/> 23 Q. All right. Have you heard of<br/> 24 something called the Heroin and Opioid Action<br/> 25 Plan Committee?</p>                               | <p style="text-align: right;">Page 113</p> <p>1 A. Not that I can think of.<br/> 2 Q. Okay. Do you know whether the<br/> 3 sheriff's department ever gets any funds that<br/> 4 relate in some way to money or property that any<br/> 5 of these task forces are able to seize or obtain<br/> 6 by forfeiture as a result of their<br/> 7 investigations?<br/> 8 MR. BADALA: Objection to form.<br/> 9 A. Yes. We do receive part of any<br/> 10 seizures.<br/> 11 Q. Okay. Do you know how much in any<br/> 12 particular year?<br/> 13 A. No.<br/> 14 Q. Who would know the answer to that?<br/> 15 A. Our fiscal head, Donna.<br/> 16 Q. Donna. That's Donna Kaleal?<br/> 17 A. Yes.<br/> 18 Q. Okay. Does the -- are you aware of<br/> 19 any grants of any sort that the sheriff's<br/> 20 department, the Cuyahoga County Sheriff's<br/> 21 Department, have received that relate at all to<br/> 22 narcotics?<br/> 23 MR. BADALA: Objection to form.<br/> 24 A. No. I'm -- not firsthand knowledge,<br/> 25 no.</p>  |

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1 Q. Okay. Secondhand knowledge?

2 A. I would imagine something -- there

3 might be a grant for the medical staff in the

4 jail. I don't know.

5 Q. And how about grants related to the

6 investigation of drug offenses? Does the

7 sheriff's department receive any state funding

8 for that?

9 A. Not that I'm aware of.

10 Q. Okay. And how about federal

11 funding?

12 A. Not that I'm aware of.

13 Q. Okay. Does the sheriff's department

14 itself seize -- ever seize money or other

15 property in connection with drug-related

16 investigations?

17 MR. BADALA: Objection to form.

18 A. Yes.

19 Q. And does that -- the proceeds of any

20 of those forfeitures, do those go back into the

21 sheriff's department budget then?

22 MR. BADALA: Objection to form.

23 A. Yes.

24 Q. Okay. Do you know what the

25 magnitude is of those -- the value of those

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1 seizures or forfeitures?

2 A. I don't understand that question.

3 Q. I'm trying to figure out how much

4 money the sheriff's department makes, for lack

5 of a better term, as a result of its operations

6 which lead to forfeitures and seizure of money

7 and other things.

8 A. I get briefed on what's in the

9 accounts that we have. Anytime there's a

10 deposit, a forfeiture deposit into our -- the

11 law enforcement trust fund is what it's called,

12 the sergeant in charge of our evidence and

13 forfeitures will include me in an e-mail

14 stating, you know, how much was put in there.

15 Q. All right. Do you know what the

16 approximate balance of that fund is?

17 A. No. I have not been briefed lately

18 on it.

19 Q. Who is the sergeant that's in charge

20 of that?

21 A. Sergeant Devlin is in charge of our

22 evidence/forfeiture.

23 Q. What's that fund used for?

24 A. Training, equipment is the main two.

25 Sometimes out-of-town training. It pays for

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1 flights, stuff like that.

2 Q. Okay. Do you know where -- where

3 does the sheriff's department -- where does the

4 money to fund the sheriff's department's

5 operations come from?

6 A. The complete -- the whole sheriff's

7 department?

8 Q. Sure.

9 A. Okay. We're budgeted through the

10 county for that.

11 Q. Okay. And then within the

12 sheriff's -- is there a budget within a budget

13 for the sheriff's department specific to

14 narcotics?

15 MR. BADALA: Objection to form.

16 A. No.

17 Q. Or to the narcotics division?

18 A. No.

19 Q. How, if at all -- are there any

20 sub-groups within the sheriff's department that

21 have budget allocations that roll up into the,

22 you know, budget for the entire department?

23 MR. BADALA: Objection to form.

24 A. As you see on the org chart, there's

25 several divisions.

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1 Q. Yes.

2 A. I don't know if there's a budget

3 allocated for each division. That would be a

4 question for fiscal, so --

5 Q. Does the law enforcement division

6 have a budget within the sheriff's department

7 overall budget?

8 A. I'm not aware how -- how she keeps

9 track of each division.

10 Q. Do you have to ever submit any

11 financial information to Ms. Kaleal?

12 A. No.

13 MR. BADALA: Good time to take a

14 five-minute break?

15 MR. BLOCK: Yes. Sure.

16 THE VIDEOGRAPHER: Off the record,

17 11:07.

18 (Recess had.)

19 THE VIDEOGRAPHER: On the record,

20 11:22.

21 BY MR. BLOCK:

22 Q. Captain Gerome, you had mentioned,

23 when you were talking about the narcotics

24 division responding to overdose scenes, that

25 there are some jurisdictions where, I guess, the

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| <p style="text-align: right;">Page 118</p> <p>1 sheriff's department is invited, and there are<br/> 2 others which have said they want to handle it on<br/> 3 their own. So what are -- take it either way,<br/> 4 but I'm just trying to figure out what that<br/> 5 dividing line is. What jurisdictions are<br/> 6 sheriff's department folks responding to<br/> 7 overdose scenes in now? Or if it's easier --<br/> 8 A. It's probably easier to go the other<br/> 9 way with it because there's, I think, 58<br/> 10 municipalities, townships. I have a hard time<br/> 11 naming all 50 something of them that we do<br/> 12 respond to.<br/> 13 The main ones that we don't respond<br/> 14 to is the Cleveland -- the City of Cleveland.<br/> 15 They handle their own investigations. Another<br/> 16 couple large ones is the Lakewood Police<br/> 17 Department, the Parma Police Department, Parma<br/> 18 Heights now, that I think I mentioned before.<br/> 19 Westlake Police Department handles their own.<br/> 20 And then there's a few smaller suburbs on the<br/> 21 east side who have kind of banded together, come<br/> 22 up with their own little mini task force. I<br/> 23 don't know the acronym that they call<br/> 24 themselves, but it's like the Mayfield, Mayfield<br/> 25 Heights, Gates Mills community out there, which</p> | <p style="text-align: right;">Page 120</p> <p>1 where there's nobody and maybe it was a welfare<br/> 2 check or something like that, where the police<br/> 3 found them, you know, interviewing neighbors,<br/> 4 trying to get -- you know, see if they can get a<br/> 5 hold of family members. We always try to get a<br/> 6 hold of family members to do a notification as<br/> 7 well. So, you know, follow-up would be<br/> 8 interviewing them and seeing what they know or<br/> 9 they don't know. But in those cases, those are<br/> 10 the tough ones to solve if there aren't people<br/> 11 that we could talk to.<br/> 12 Q. If there's an interview done, you<br/> 13 know, a day, a week after the scene, how does<br/> 14 that get -- how does that information get into<br/> 15 the file for that case? Is there a supplemental<br/> 16 report that's submitted into Crime or, now, TAC?<br/> 17 A. There could be a supplement report<br/> 18 depending on what information is given. If it's<br/> 19 someone giving, you know, sort of acting as an<br/> 20 informant or something like that, you know,<br/> 21 we'll withhold some of the names, stuff like<br/> 22 that.<br/> 23 Q. Sure.<br/> 24 A. But yeah, that will be in a<br/> 25 supplement report if it helps in the</p> |
| <p style="text-align: right;">Page 119</p> <p>1 they've come together and they'll investigate<br/> 2 their own.<br/> 3 I'm sure I'm missing one or two, but<br/> 4 those are the ones that stand out right now.<br/> 5 Q. Thank you.<br/> 6 And has that -- you mentioned Parma<br/> 7 Heights is a relatively new addition to that<br/> 8 list. The others, has that been the case since<br/> 9 you were a lieutenant?<br/> 10 A. When I took over the division,<br/> 11 those -- they were still handling theirs.<br/> 12 Q. Okay. We talked about one thing the<br/> 13 detectives do on the scene is they interview<br/> 14 folks. I assume that's -- that they can only<br/> 15 interview people if there are people there on<br/> 16 the scene. What, if anything -- what, if any,<br/> 17 interviews are done in a situation in which<br/> 18 there's no one to interview at the scene? Do<br/> 19 they go back and try to find folks to talk to?<br/> 20 Do they do follow-up interviews after the<br/> 21 on-the-scene investigation, if that makes sense?<br/> 22 A. Yeah. I mean, identifying the<br/> 23 bodies is important, first of all. With the<br/> 24 help of the medical examiner, we'll do that. I<br/> 25 mean, every scene is different. If the case is</p>   | <p style="text-align: right;">Page 121</p> <p>1 investigation.<br/> 2 Q. Is each investigation assigned a<br/> 3 different -- some sort of unique case number or<br/> 4 otherwise within your systems?<br/> 5 A. No. Our TAC system is just one<br/> 6 after another case number.<br/> 7 Q. I guess I'll show you how much I<br/> 8 don't know about police investigative work. But<br/> 9 if you respond to an overdose on -- if the<br/> 10 detectives respond to an overdose on Elm Street,<br/> 11 you know, in August, does that get a case -- you<br/> 12 know, that's case number 12 is the Elm Street<br/> 13 August overdose or -- so that if things happen<br/> 14 later, that they can trace back to it, all the<br/> 15 information gets collected associated with a<br/> 16 particular case, or does it just go into the<br/> 17 system chronologically?<br/> 18 MR. BADALA: Objection to form.<br/> 19 A. The case numbers are generated<br/> 20 chronologically, but if you do punch in an<br/> 21 address, a certain address, it will pop up<br/> 22 whatever -- whoever else might have entered<br/> 23 information on that location.<br/> 24 Q. Okay. I see.<br/> 25 We talked about the Crime database</p>  |



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| <p style="text-align: right;">Page 122</p> <p>1 and the TAC database. Are there any other<br/>2 databases in which information related to the<br/>3 sheriff's department, narcotics investigations,<br/>4 is input?<br/>5 A. I don't know if you consider it a<br/>6 database. We have spreadsheets where we keep<br/>7 our -- track of our drop box program and our<br/>8 heroin -- our drug overdose investigations.<br/>9 Q. What is in -- related to the drug<br/>10 overdose investigations, what sort of<br/>11 information is on this spreadsheet?<br/>12 A. It will give the address, the<br/>13 decedent's name, case number, date it was<br/>14 assigned. It will have the detectives' names<br/>15 that were assigned to it. And there is a<br/>16 comment section on -- either you can put input,<br/>17 evidence taken, or if the report -- if the<br/>18 medical examiner's report was given back. It's<br/>19 just maybe something that might have stood out<br/>20 you can put in under the comments field.<br/>21 Q. Who maintains that spreadsheet<br/>22 within the department?<br/>23 A. Right now, the -- each detective is<br/>24 responsible for adding that information if<br/>25 they're the lead detective responding to the</p> | <p style="text-align: right;">Page 124</p> <p>1 litigation?<br/>2 A. I do not know.<br/>3 Q. Do you know what the file name is or<br/>4 what it's called, this spreadsheet?<br/>5 A. I believe it's "Heroin Overdoses."<br/>6 Q. You mentioned it's heroin overdoses.<br/>7 So is that -- is it a subset of the overdoses<br/>8 that you're investigating or does any overdose<br/>9 go onto the heroin overdose spreadsheet?<br/>10 A. Every overdose that we respond to.<br/>11 That's just the name it was given.<br/>12 Q. And is that because the majority of<br/>13 the overdoses turn out to be heroin or --<br/>14 A. I didn't come up with the name. I<br/>15 couldn't answer that.<br/>16 Q. Did that spreadsheet exist when you,<br/>17 as a lieutenant, went over to the narcotics<br/>18 division?<br/>19 A. They had some form. I believe they<br/>20 had some form of documentation they were keeping<br/>21 on -- I preferred it to be on a spreadsheet so<br/>22 it's more accessible to the supervisors and<br/>23 myself.<br/>24 Q. And what's the purpose of having it<br/>25 in the spreadsheet? What, if anything, do you</p> |
| <p style="text-align: right;">Page 123</p> <p>1 scene.<br/>2 Q. As I understood your testimony, it's<br/>3 one common spreadsheet that everyone in the<br/>4 department has access to and each person puts a<br/>5 row in if they're doing a case, or did I get<br/>6 that wrong?<br/>7 A. The spreadsheet is not accessible by<br/>8 everybody in the department. It's for<br/>9 supervisors and the narcotics division.<br/>10 And I'm sorry. What was the second<br/>11 part of your question?<br/>12 Q. I was trying to figure out who<br/>13 maintains it.<br/>14 A. The detectives -- like I said, the<br/>15 detectives that are lead investigators will<br/>16 update, and it's the supervisor, the sergeant's<br/>17 responsibility, to make sure that that<br/>18 information is being inputted.<br/>19 Q. Okay. Who is -- is it on a shared<br/>20 drive, somebody's computer? If I wanted to go<br/>21 today and get a copy of it, where would I go?<br/>22 A. It's on a shared drive.<br/>23 Q. Okay. And do you know whether that<br/>24 shared drive was searched in connection with<br/>25 providing responsive documents for this</p>   | <p style="text-align: right;">Page 125</p> <p>1 do with the spreadsheet?<br/>2 A. Statistics. It's how we keep track.<br/>3 Q. Keep track of?<br/>4 A. The overdose we've -- our department<br/>5 responds to.<br/>6 Q. Okay. And who -- who, if at all, do<br/>7 you report that info to?<br/>8 A. I view it. There's always requests<br/>9 for it.<br/>10 Q. Okay.<br/>11 A. So, you know -- I don't know. I'd<br/>12 have to go through all -- if it's public record,<br/>13 because there's active investigations, but I<br/>14 just -- it's just something I thought it's a<br/>15 good idea to start keeping track of when I was<br/>16 assigned there.<br/>17 Q. How many overdose -- how many<br/>18 overdoses were on that spreadsheet, do you know,<br/>19 for like -- for the last year, for 2017?<br/>20 A. 2017, I believe we had over 70,<br/>21 around that figure; 73 I think it was, something<br/>22 like that.<br/>23 Q. And the overdoses on this<br/>24 spreadsheet, would those only be overdoses to<br/>25 which members of the county sheriff's department</p>  |



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| <p style="text-align: right;">Page 126</p> <p>1 responded to the scene? In other words, it<br/> 2 wouldn't include overdoses in Parma Heights, if<br/> 3 they weren't asking you to --<br/> 4 A. No. It's strictly our department.<br/> 5 Q. Okay. How about calendar year 2018?<br/> 6 Do you know how many there have been thus far?<br/> 7 A. I think we're up to a little over<br/> 8 50; 51, 52.<br/> 9 Q. How about for 2016, if -- did you<br/> 10 have the spreadsheet in 2016?<br/> 11 A. Yes. It's -- yes.<br/> 12 Q. Do you remember how many?<br/> 13 A. I'm sorry. I don't.<br/> 14 Q. Do you know if it was more or less<br/> 15 than 2017?<br/> 16 A. No, I don't know.<br/> 17 Q. Is there a column in -- is there a<br/> 18 field somewhere in the spreadsheet that<br/> 19 identifies the drug or drugs on which the person<br/> 20 overdosed?<br/> 21 A. I think there's a toxicology report,<br/> 22 yes or no, if you got it back yet, but again,<br/> 23 that's something with our record management<br/> 24 system. We -- our new system that we keep track<br/> 25 of, that information gets inputted into there.</p> | <p style="text-align: right;">Page 128</p> <p>1 divisions in Ohio have it. Like I said, you can<br/> 2 look up -- if you make a traffic stop, that's<br/> 3 something that some of our deputies are<br/> 4 certified in and they can do it manually on the<br/> 5 mobile data terminal or they can call it into<br/> 6 our dispatch and they'll run it for you.<br/> 7 Q. And what will -- what kind of info<br/> 8 will LEADS then give you about the individual<br/> 9 that you're running the inquiry on?<br/> 10 A. Basically, the first thing that<br/> 11 comes up is their driving information. The<br/> 12 stuff that's on your driver's license appears,<br/> 13 including a picture. Your driving status,<br/> 14 whether you have a valid license or not. I do<br/> 15 believe -- and I haven't been on it in a<br/> 16 while -- that your traffic information, past<br/> 17 traffic information for a certain amount of<br/> 18 years, will pop up. If you have a warrant or<br/> 19 not. Outstanding warrants will pop up.<br/> 20 Nowadays carry and conceal license will pop up<br/> 21 on it. And that's all I can remember.<br/> 22 Q. Anything -- can you get -- does<br/> 23 LEADS -- are you able to query LEADS to get any<br/> 24 sort of drug-related, crime-specific information<br/> 25 about --</p> |
| <p style="text-align: right;">Page 127</p> <p>1 Q. What system -- was that TAC?<br/> 2 A. Yeah. Yeah. And, I mean, the<br/> 3 medical examiner's, you know, toxicology report<br/> 4 would come back.<br/> 5 Q. Are there any other -- so we talked<br/> 6 about TAC and Crime and then this spreadsheet.<br/> 7 Are there any other databases in which<br/> 8 information related to these overdose<br/> 9 investigations is stored?<br/> 10 A. Not that I'm aware of. I don't know<br/> 11 if detectives have their own folders they keep<br/> 12 track of.<br/> 13 Q. Have you heard of something called a<br/> 14 Law Enforcement -- LEADS, Law Enforcement<br/> 15 Automated Data System?<br/> 16 A. Yes.<br/> 17 Q. Is that something that the sheriff's<br/> 18 department has?<br/> 19 A. Yes.<br/> 20 Q. What kind of information is in<br/> 21 LEADS?<br/> 22 A. LEADS is a database where you can<br/> 23 look up information basically on anyone that has<br/> 24 an Ohio identification, a driver's license, ID<br/> 25 card. I think almost all law enforcement</p>   | <p style="text-align: right;">Page 129</p> <p>1 A. Yeah. You would have to -- a<br/> 2 request -- what's called a CCH, criminal<br/> 3 history, and then you would get that person's<br/> 4 history.<br/> 5 Q. Okay. And I think you said you, at<br/> 6 the sheriff's department -- the sheriff's<br/> 7 department has access to LEADS?<br/> 8 A. Some deputies are LEADS certified<br/> 9 and they can get that access on their own with a<br/> 10 LEADS terminal, but if not, our dispatchers in<br/> 11 our radio room are all certified in LEADS and<br/> 12 they can get that information for you and get<br/> 13 that to you.<br/> 14 Q. Okay. How about something called a<br/> 15 Law Enforcement Records Management System or<br/> 16 LERMS; does the sheriff's department have such a<br/> 17 thing?<br/> 18 A. No, we do not.<br/> 19 Q. Okay. Do you know what -- are you<br/> 20 familiar with LERMS?<br/> 21 A. I believe that's the Cleveland<br/> 22 Police database that they use. Just like we use<br/> 23 our TAC, they use that.<br/> 24 Q. Do you know whether the -- can the<br/> 25 Cleveland Police -- is there anyone at the</p>   |

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| <p style="text-align: right;">Page 130</p> <p>1 Cleveland Police Department that can look and<br/>2 see what you guys have going on in TAC, you<br/>3 know, log in or have access to?<br/>4 A. No, they can't.<br/>5 Q. All right. And can you, at the<br/>6 sheriff's department, log in to LERMS and<br/>7 compare notes on what the Cleveland Police are<br/>8 doing?<br/>9 A. No, not unless each agency creates<br/>10 an account for that person.<br/>11 Q. Are you aware, does anyone at the<br/>12 sheriff's department have access to the<br/>13 Cleveland --<br/>14 A. I'm not aware of anyone, no.<br/>15 Q. Are you familiar with something<br/>16 called the ARCOS database?<br/>17 A. Can you spell that?<br/>18 Q. I think it stands for Automation of<br/>19 Reports and Consolidated Order System.<br/>20 A. I'm not familiar with that.<br/>21 Q. All right. Then I think you've<br/>22 answered my next question, but do you know<br/>23 whether anyone at the sheriff's department has<br/>24 access to the ARCOS database?<br/>25 MR. BADALA: Objection to form.</p>                     | <p style="text-align: right;">Page 132</p> <p>1 type of tips or investigation that deals with<br/>2 prescriptions, we usually turn that over to our<br/>3 task force officer at the DEA.<br/>4 Q. What do you mean by that? Give me<br/>5 an example of a tip that relates to<br/>6 prescriptions.<br/>7 MR. BADALA: Objection to form.<br/>8 A. I'm not aware of any tips that we<br/>9 have received from prescriptions. I'm not aware<br/>10 of every tip that comes in.<br/>11 Q. I'm not trying to have you blab<br/>12 secrets about pending investigations or<br/>13 anything. You testified, though, that if you<br/>14 got info related to prescriptions, you would<br/>15 turn it over to the task force member at the<br/>16 DEA?<br/>17 A. Correct.<br/>18 Q. And I was just trying to figure out,<br/>19 are you talking about like if there was -- if<br/>20 there was a report that -- I don't know -- a<br/>21 doctor was writing scripts for medications that<br/>22 he really wasn't intending to have a medical<br/>23 purpose, that's something you would turn over to<br/>24 DEA?<br/>25 A. Yes.</p> |
| <p style="text-align: right;">Page 131</p> <p>1 A. I don't know.<br/>2 Q. All right. You spoke -- you<br/>3 testified earlier about the OARRS database, the<br/>4 Ohio Automated RX Reporting System?<br/>5 A. Yes, sir.<br/>6 Q. And -- I can't remember if you told<br/>7 me -- does anyone within the sheriff's<br/>8 department have access to OARRS data?<br/>9 MR. BADALA: Objection to form.<br/>10 A. I'm not aware of anyone having that.<br/>11 Q. Okay. Have you ever requested that<br/>12 the sheriff's department get access to the OARRS<br/>13 database?<br/>14 A. I have not requested it, no.<br/>15 Q. All right. Do you know whether any<br/>16 OARRS data has ever been shared with the<br/>17 sheriff's department?<br/>18 MR. BADALA: Objection to form.<br/>19 A. I'm not aware if it has or not.<br/>20 Q. Do you have a view as to whether<br/>21 information that's -- that OARRS tracks could be<br/>22 helpful to the sheriff's department in terms of<br/>23 narcotics investigations?<br/>24 MR. BADALA: Objection to form.<br/>25 A. In my view -- at our department, any</p> | <p style="text-align: right;">Page 133</p> <p>1 Q. Okay. Has that -- has that been<br/>2 your practice since you've been involved with<br/>3 the narcotics division?<br/>4 A. I just think it's something that<br/>5 specifically they investigate and that's why<br/>6 he's over there.<br/>7 Q. Okay.<br/>8 A. I don't have -- I'm not aware of the<br/>9 tips or anyone -- or us passing on those cases<br/>10 to them.<br/>11 Q. Okay. But if you got such a tip,<br/>12 that's where you would direct it?<br/>13 A. Yeah. The sergeant would probably<br/>14 follow up with that, give that to the officer.<br/>15 Q. Okay. Have you -- have you heard<br/>16 of -- did I ask you about LEADS? I did ask you<br/>17 about LEADS.<br/>18 How about the Ohio Law Enforcement<br/>19 Gateway, or OHLEG, O-H-L-E-G?<br/>20 A. Yes.<br/>21 Q. Are you familiar with that?<br/>22 A. Yes, sir.<br/>23 Q. What kind of information is in<br/>24 OHLEG?<br/>25 A. A little bit of the same information</p>   |

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| <p style="text-align: right;">Page 134</p> <p>1 from LEADS. It's a database where you look<br/> 2 up -- you can put someone's -- whatever<br/> 3 identifier they have, name, date of birth,<br/> 4 Social Security Number. And the same thing will<br/> 5 populate. It will give information, driver's<br/> 6 license, driving status. It would also give you<br/> 7 a background on his driving history. There's<br/> 8 also other information on that, including the<br/> 9 training that I referred to earlier with the<br/> 10 online training. We call it EOPATA. And then<br/> 11 there's other stuff it puts out for information<br/> 12 for officers on it.<br/> 13 Q. Does the sheriff's department have<br/> 14 access to the OHLEG gateway?<br/> 15 A. Yes.<br/> 16 Q. Is that something that folks within<br/> 17 the narcotics division ever use or access in<br/> 18 connection with their responsibilities?<br/> 19 A. Yes.<br/> 20 Q. How about the Ohio Incident-Based<br/> 21 Reporting System? Are you familiar with that,<br/> 22 OIBRS?<br/> 23 A. Yes, I'm familiar with it.<br/> 24 Q. What is that?<br/> 25 A. Now that we have our TAC RMS system,</p> | <p style="text-align: right;">Page 136</p> <p>1 really can't speak that much on it. That's --<br/> 2 I'm not familiar with it as far as it's still in<br/> 3 use. I don't even know if it's still in use. I<br/> 4 think it was a gateway between LEADS and<br/> 5 Cuyahoga County, but I'm not that familiar with<br/> 6 it.<br/> 7 Q. When did it go away?<br/> 8 A. The past couple years.<br/> 9 Q. So when do you remember --<br/> 10 A. I should rephrase that. I don't<br/> 11 know if it's went away or not, but you don't<br/> 12 hear about it, and I don't know anyone in our<br/> 13 department that uses it or it's still in use.<br/> 14 Q. Did anyone at the sheriff's<br/> 15 department ever use it?<br/> 16 A. I'm not familiar with what it did so<br/> 17 I don't -- I couldn't answer that.<br/> 18 Q. Okay. We have a lot of databases,<br/> 19 but let me ask you, the Regional Enterprise Data<br/> 20 Sharing System or REDSS, are you familiar with<br/> 21 that?<br/> 22 A. That kind of took over for CRIS.<br/> 23 Q. Okay.<br/> 24 A. And that's where it's kind of<br/> 25 confusing. I don't know where they're at, that</p>   |
| <p style="text-align: right;">Page 135</p> <p>1 it's kind of a stat keeping for the state. If<br/> 2 you have a certain type of investigation,<br/> 3 there's little check blocks. That information<br/> 4 will go to the state and they'll have that<br/> 5 statistics. I think it keeps track of<br/> 6 statistics each law enforcement department is<br/> 7 working on. An example could be how many<br/> 8 domestic violence cases are there in Ohio, stuff<br/> 9 like that.<br/> 10 Q. Does your TAC system feed into the<br/> 11 OIBRS?<br/> 12 A. Yes.<br/> 13 MR. BADALA: Objection to form.<br/> 14 Q. And do you ever -- do folks at the<br/> 15 sheriff's department ever use OIBRS in<br/> 16 connection with their work in investigating<br/> 17 drug-related -- doing drug-related<br/> 18 investigations?<br/> 19 A. I don't know. I don't know.<br/> 20 Q. How about something called either<br/> 21 CRIS or C-R-I-S, the Cuyahoga Regional<br/> 22 Information System? Are you familiar with this?<br/> 23 A. Yes, I am.<br/> 24 Q. What is that?<br/> 25 A. That has kind of gone away. I</p>  | <p style="text-align: right;">Page 137</p> <p>1 stage, over there.<br/> 2 Q. Is that something that the sheriff's<br/> 3 department has access to, the REDSS database?<br/> 4 A. I'm not aware. I'm sure we do, but<br/> 5 I'm not aware of anyone that does.<br/> 6 Q. All right. TipSoft, have you heard<br/> 7 of TipSoft?<br/> 8 A. I believe that's our Crime Stoppers<br/> 9 database. I don't know if that's still in<br/> 10 existence or not. I'd have to check up on that.<br/> 11 Q. Okay. Do you know, does the<br/> 12 sheriff's department ever get tips about<br/> 13 narcotics-related activity?<br/> 14 A. Yes.<br/> 15 Q. And how does that happen? How do<br/> 16 you get -- how do you get LEADS or tips?<br/> 17 A. There's a new format with Crime<br/> 18 Stopper. Well, for the department, it could be<br/> 19 a variety of ways we get tips versus our Crime<br/> 20 Stoppers program. And that's electronically<br/> 21 sent to the supervisor of whatever area that<br/> 22 it -- the tip deals with. We get tips through<br/> 23 our website, our e-mail. There could be phone<br/> 24 calls, anonymous calls, or people give their<br/> 25 names, called in. So all sorts of new ways to</p> |

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| <p style="text-align: right;">Page 138</p> <p>1 get tips. And then we also -- we just came out<br/> 2 with a sheriff's app where you can submit a tip<br/> 3 as well.<br/> 4 Q. Is there anyone within the sheriff's<br/> 5 department that's responsible for collecting and<br/> 6 keeping a record of all the tips that are coming<br/> 7 in, like do you have a -- is there someone who<br/> 8 keeps a log of everything that's been --<br/> 9 A. Statistically, no. I think the only<br/> 10 one that does is the Crime Stoppers division.<br/> 11 The other tips that come in, I don't -- there's<br/> 12 no stats kept on them. They're just sent to the<br/> 13 individual department that deals with it.<br/> 14 Q. Who -- which person or department<br/> 15 functions as the switchboard operator to figure<br/> 16 out, okay, I got this tip, I need to make sure<br/> 17 that someone in narcotics knows about it versus<br/> 18 someone in warrants or -- who does that?<br/> 19 A. We -- we have a detective, Jamie<br/> 20 Bonnette, that does that. He gets the tips<br/> 21 through e-mail and he'll send them to the<br/> 22 appropriate supervisor.<br/> 23 Q. Okay. Is that his principal -- he<br/> 24 or she?<br/> 25 A. He.</p> | <p style="text-align: right;">Page 140</p> <p>1 Explorer Opiate Database that HIDTA has?<br/> 2 A. Yes.<br/> 3 Q. All right. What is that?<br/> 4 A. I mentioned before, it's kind of a<br/> 5 deconfliction database, and that's for<br/> 6 investigative purposes. Our detectives will use<br/> 7 it as a tool to try to deconflict and see if<br/> 8 someone else has a suspect, same area, or same<br/> 9 street, or something like that. You can enter<br/> 10 any information you want into that. You can<br/> 11 enter the victim's name. You can enter the<br/> 12 suspect's name. You can enter an address into<br/> 13 it. And it's just information sharing with the<br/> 14 law enforcement agencies.<br/> 15 Q. Can you just explain a little bit<br/> 16 more about what would happen next if someone at<br/> 17 the sheriff's office, I guess, puts a victim's<br/> 18 name in and it gets a hit in the HIDTA database?<br/> 19 What happens? What do you do?<br/> 20 A. It's probably not so much of a<br/> 21 victim's name, but if you have a suspect you<br/> 22 believe is involved in one of these fatal<br/> 23 overdoses --<br/> 24 Q. Yes.<br/> 25 A. -- and another detective from</p>    |
| <p style="text-align: right;">Page 139</p> <p>1 Q. Is that his principal job?<br/> 2 A. No.<br/> 3 Q. Okay. I mean, do you get -- do you<br/> 4 know if you get lots of tips a day or it's<br/> 5 like --<br/> 6 MR. BADALA: Objection to form.<br/> 7 A. I don't know.<br/> 8 Q. Okay. Are you familiar with the<br/> 9 Ohio Local Law Enforcement Information Sharing<br/> 10 Network?<br/> 11 A. You read it. I'm looking. I'm<br/> 12 trying to think of the acronym.<br/> 13 Q. OLLEISN, something like that.<br/> 14 A. I've heard of it, yes. I'm not<br/> 15 familiar with it.<br/> 16 Q. Okay. Is that something you've ever<br/> 17 used?<br/> 18 A. I don't know.<br/> 19 Q. Do you know whether the sheriff's<br/> 20 department uses it?<br/> 21 A. I don't know.<br/> 22 Q. How about the -- we talked about the<br/> 23 HIDTA before.<br/> 24 A. Yes.<br/> 25 Q. Are you familiar with a Case</p>   | <p style="text-align: right;">Page 141</p> <p>1 another agency or something has that same<br/> 2 suspect, again, it's information sharing, try<br/> 3 to, you know, locate that back to the suspect<br/> 4 that sold that fatal dose.<br/> 5 Q. So what is supposed -- what, if<br/> 6 anything, is the deputy in the sheriff's<br/> 7 office -- sorry. Let me back up. Can you, from<br/> 8 the sheriff's office, query the HIDTA --<br/> 9 A. HIDTA, yes.<br/> 10 Q. -- HIDTA database?<br/> 11 A. We have detectives that have access<br/> 12 to it, yes.<br/> 13 Q. And are your folks supposed to<br/> 14 access -- double-check the HIDTA database every<br/> 15 time they're focusing in on a suspect from one<br/> 16 of these overdose investigations?<br/> 17 MR. BADALA: Objection to form.<br/> 18 A. It's a tool for all law enforcement.<br/> 19 We advise them to put that information in and<br/> 20 try to gain -- you know, if you're working an<br/> 21 investigation, and see what else -- if someone<br/> 22 else is working the same thing. Like I said,<br/> 23 it's information sharing.<br/> 24 Q. So in a circumstance in which<br/> 25 someone looks to see if there's something in</p> |

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| <p style="text-align: right;">Page 142</p> <p>1 HIDTA about a suspect and there is, what is<br/>2 supposed to happen next, if anything, in terms<br/>3 of sharing the information or coordinating the<br/>4 efforts?<br/>5 MR. BADALA: Objection to form.<br/>6 A. Well, if you have the same suspect,<br/>7 you're going to contact them and see what kind<br/>8 of information they have on this person.<br/>9 Q. Okay.<br/>10 A. They may have been investigating an<br/>11 overdose that happened in their jurisdiction,<br/>12 basically deconflicting, and then also I believe<br/>13 it shows maps of where overdoses have been<br/>14 occurring just for crime stat purposes and<br/>15 deconflicting and information sharing.<br/>16 Q. Does the sheriff's department put<br/>17 any information into HIDTA? In other words, are<br/>18 you -- I understand that you can look to see<br/>19 whether that task force is doing work<br/>20 investigating someone. Can that task force look<br/>21 and see if you're doing work -- how would they<br/>22 know if your deputies are investigating the same<br/>23 person?<br/>24 MR. BADALA: Objection to form.<br/>25 A. I have never used the database.</p>   | <p style="text-align: right;">Page 144</p> <p>1 could share information and hopefully put a dent<br/>2 into this.<br/>3 Q. Do you know whether your TAC system<br/>4 feeds into or can be accessed by the HIDTA?<br/>5 A. No.<br/>6 Q. Don't know or it can't be?<br/>7 A. I don't think it can be, no.<br/>8 Q. Okay. Who's the subject matter<br/>9 expert at the sheriff's department about the<br/>10 HIDTA database?<br/>11 A. Expert? I don't -- I don't know if<br/>12 we have an expert.<br/>13 Q. Do you have somebody who's the<br/>14 lead -- you said you got somebody who was<br/>15 trained up on the database?<br/>16 A. Each detective in our narcotics<br/>17 division as well as task forces went through a<br/>18 training with it.<br/>19 Q. Okay. Let's talk a little bit about<br/>20 some of the -- hopefully, the successes that you<br/>21 all have had at the sheriff's department in your<br/>22 efforts in this area, narcotics.<br/>23 I guess the first question, though,<br/>24 is, during your law enforcement career has there<br/>25 ever been a time when drug abuse was not a</p> |
| <p style="text-align: right;">Page 143</p> <p>1 I've been to -- I don't want to say a training,<br/>2 but when it first rolled it, what they said it<br/>3 can and can't do. My understanding is if you<br/>4 query an address or a person's name or something<br/>5 like that, if that person or address has been<br/>6 entered into the database, that will show up and<br/>7 then you can go take it from there.<br/>8 Q. And I'm trying to figure out whether<br/>9 the people in the -- your people who are doing<br/>10 investigations, are they supposed to be kind of<br/>11 putting any information into HIDTA so that<br/>12 others would know that they're working on the<br/>13 case?<br/>14 A. Yeah. When this first rolled out,<br/>15 the detectives were instructed to use this<br/>16 database on every -- not just overdoses, but<br/>17 heroin or pills, any type of investigation that<br/>18 dealt -- that might link back to the overdose<br/>19 epidemic. Any type of that information should<br/>20 be put into that system, because it was created<br/>21 just for the information sharing amongst<br/>22 departments. When we started off, each agency<br/>23 was kind of doing their own thing, and then the<br/>24 department heads got together and said, hey, can<br/>25 we -- could you guys create a database where we</p> | <p style="text-align: right;">Page 145</p> <p>1 problem facing Cuyahoga County?<br/>2 MR. BADALA: Objection to form.<br/>3 Q. Drug abuse of any sort.<br/>4 MR. BADALA: Same objection.<br/>5 A. I don't know. I don't know how to<br/>6 answer that.<br/>7 Q. Okay.<br/>8 A. I don't know.<br/>9 Q. Well, what -- do you consider drug<br/>10 abuse to be a problem for Cuyahoga County?<br/>11 MR. BADALA: Objection to form.<br/>12 A. I don't know.<br/>13 Q. What -- since you've been -- well,<br/>14 when you were a detective in the narcotics<br/>15 division, what -- are there any investigations,<br/>16 arrests, results that you're particularly proud<br/>17 of that either you personally or the division<br/>18 was able to attain?<br/>19 MR. BADALA: Objection to form.<br/>20 A. I don't know if proud is the term.<br/>21 I guess some satisfaction in arresting somebody<br/>22 and -- you know, for conducting illegal activity<br/>23 is kind of rewarding. That's why we get into<br/>24 the field. But it's -- I think most officers,<br/>25 it's their job. You know, that's why they</p>  |



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| <p style="text-align: right;">Page 146</p> <p>1 signed up.</p> <p>2 Q. Well, I guess --</p> <p>3 A. Not for the glory.</p> <p>4 Q. Probably not for the pay.</p> <p>5 A. Right.</p> <p>6 Q. But back -- back to that. Are there</p> <p>7 particular, then, arrests that you were involved</p> <p>8 with when you were a detective that were</p> <p>9 particularly satisfying -- I don't know --</p> <p>10 particularly -- yeah, I'll just stop the</p> <p>11 question there.</p> <p>12 MR. BADALA: Objection to form.</p> <p>13 A. I don't remember. I don't remember</p> <p>14 anything that -- standing out, no.</p> <p>15 Q. Any -- I guess I'll try it</p> <p>16 different. Any, you know, significant drug</p> <p>17 busts that you made during that time?</p> <p>18 MR. BADALA: Objection to form.</p> <p>19 Q. Whether that was number of people,</p> <p>20 amount of drugs, anything like that.</p> <p>21 MR. BADALA: Same objection.</p> <p>22 A. I don't remember.</p> <p>23 Q. Okay. Well, how about, then, moving</p> <p>24 forward, starting with your time as a lieutenant</p> <p>25 going forward; are there any -- any</p>   | <p style="text-align: right;">Page 148</p> <p>1 Q. And in that regard, is there --</p> <p>2 within all of the different types of drugs that</p> <p>3 are out there, is there -- my sense was -- I may</p> <p>4 have this wrong. I think I read it in one of</p> <p>5 the opiate task force reports or something --</p> <p>6 that heroin was one of the principal overdose</p> <p>7 causes. Is heroin a focus of the narcotics</p> <p>8 division?</p> <p>9 A. Heroin, fentanyl, the beginning</p> <p>10 opiate pills. I think that all goes hand in</p> <p>11 hand when you conduct some of these</p> <p>12 investigations. My guys told me, speaking to</p> <p>13 families and stuff like that, they didn't start</p> <p>14 off with just heroin. So I think it all goes</p> <p>15 hand in hand.</p> <p>16 Q. Where is the heroin -- the people</p> <p>17 who are overdosing on heroin in Cuyahoga County,</p> <p>18 where does the heroin come from; do you know?</p> <p>19 MR. BADALA: Objection to form.</p> <p>20 Q. How is it getting to Cuyahoga</p> <p>21 County?</p> <p>22 MR. BADALA: Same objection.</p> <p>23 A. I don't know. I don't know. I</p> <p>24 couldn't answer that.</p> <p>25 Q. Same question for the fentanyl?</p> |
| <p style="text-align: right;">Page 147</p> <p>1 investigations or -- investigations, arrests</p> <p>2 where -- that stand out to you as being</p> <p>3 particularly satisfying in making a --</p> <p>4 particularly satisfying?</p> <p>5 MR. BADALA: Objection to form.</p> <p>6 A. I don't remember any standing out to</p> <p>7 the point where -- that I could -- you know, I</p> <p>8 don't remember any standing out.</p> <p>9 Q. Okay. If the -- is there a priority</p> <p>10 within the narcotics division today in terms of</p> <p>11 the type of narcotic activity that you're trying</p> <p>12 to curtail?</p> <p>13 A. Yes.</p> <p>14 Q. What's the top priority?</p> <p>15 A. When I talk to the lieutenants and</p> <p>16 the sergeants, our priority is the overdoses,</p> <p>17 getting back to what's causing the overdoses.</p> <p>18 When you talk to -- when you go to</p> <p>19 these overdoses and the guys brief me on it, and</p> <p>20 when you talk to the families, there's always</p> <p>21 closure, they want something done. So I</p> <p>22 guess -- I can't speak for them -- I'm sure they</p> <p>23 get some satisfaction if they do trace that back</p> <p>24 to the person that sold that lethal drug or --</p> <p>25 you know, give them closure, I guess.</p> | <p style="text-align: right;">Page 149</p> <p>1 MR. BADALA: Objection to form.</p> <p>2 A. Again, I don't know.</p> <p>3 Q. Okay. And same question for the</p> <p>4 prescription medications?</p> <p>5 MR. BADALA: Objection to form.</p> <p>6 A. Just based on the interviews you</p> <p>7 conduct, it's -- it's coming from usually some</p> <p>8 type of injury they had had in the past, and I</p> <p>9 guess that stems into the illegal drugs.</p> <p>10 Q. Are the folks who are investigating</p> <p>11 these overdose scenes -- are they supposed -- do</p> <p>12 they ask whether the victim, the decedent, used</p> <p>13 alcohol?</p> <p>14 A. I think they -- I mean, I can't</p> <p>15 speak for what they're exactly saying, but I</p> <p>16 think they inquire about their past, whether it</p> <p>17 be alcohol, drug abuse or anything that can help</p> <p>18 out with the investigation. Sometimes that</p> <p>19 information is offered, especially if it's a</p> <p>20 family member that you're talking to. They'll</p> <p>21 let you know.</p> <p>22 Q. Did they ask about, like, nicotine</p> <p>23 addiction?</p> <p>24 A. It's possible.</p> <p>25 Q. You don't know one way or the other?</p>                 |

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| <p style="text-align: right;">Page 150</p> <p>1 A. I don't know.</p> <p>2 Q. Okay.</p> <p>3 - - - - -</p> <p>4 (Thereupon, Gerome Deposition</p> <p>5 Exhibit 2, E-Mail String Beginning</p> <p>6 Bates Number CUYAH_00018717, was</p> <p>7 marked for purposes of</p> <p>8 identification.)</p> <p>9 - - - - -</p> <p>10 Q. Captain, take a minute to look at</p> <p>11 this. I'll preview for you. I had asked you</p> <p>12 earlier about -- if you knew about something</p> <p>13 called the Heroin and Opioid Action Plan</p> <p>14 Committee.</p> <p>15 A. Okay.</p> <p>16 Q. I'm going to describe this for the</p> <p>17 record. Please take a look at it. Not a lot of</p> <p>18 text, a lot of e-mails. But this Gerome Exhibit</p> <p>19 2 is an e-mail chain from -- the most recent in</p> <p>20 time of which was from Hugh Shannon on August</p> <p>21 5th, 2016 to a whole bunch of people. It bears</p> <p>22 Bates label CUYAH 118717 through 719, and, sir,</p> <p>23 you're included at least in the first e-mail 14</p> <p>24 lines down right before Captain Michalosky.</p> <p>25 A. Okay.</p>       | <p style="text-align: right;">Page 152</p> <p>1 A. I don't remember.</p> <p>2 Q. This is something different, though,</p> <p>3 from the county opiate task force or -- is that</p> <p>4 right, if you know?</p> <p>5 A. I'd want to say they're either very</p> <p>6 similar or it's the same group, just a different</p> <p>7 name.</p> <p>8 Q. And the first e-mail references from</p> <p>9 Mr. Shannon -- do you know Mr. Shannon, Hugh</p> <p>10 Shannon?</p> <p>11 A. Yes, I do.</p> <p>12 Q. Where does he work?</p> <p>13 A. The medical examiner's office.</p> <p>14 Q. Okay. Is he a doctor; do you know?</p> <p>15 A. I don't know.</p> <p>16 Q. His e-mail to everyone from August</p> <p>17 of 2016, the last sentence says, "At this time,</p> <p>18 nothing out of the ordinary has been detected by</p> <p>19 our labs other than the deadly heroin and</p> <p>20 fentanyl and combinations we have been seeing."</p> <p>21 Do you have an understanding as to</p> <p>22 what the reference to "deadly heroin and</p> <p>23 fentanyl and combinations" --</p> <p>24 MR. BADALA: Objection to form.</p> <p>25 Q. -- is?</p>   |
| <p style="text-align: right;">Page 151</p> <p>1 Q. Let me know when you've had a chance</p> <p>2 to look at this. My question is going to be</p> <p>3 whether this triggers any memories for you about</p> <p>4 what the Heroin and Opioid Action Plan Committee</p> <p>5 is.</p> <p>6 A. Okay.</p> <p>7 Q. So does that trigger any memory</p> <p>8 bells about a heroin -- sorry, Heroin and Opioid</p> <p>9 Action Plan Committee?</p> <p>10 A. Yes, it does.</p> <p>11 Q. Okay. What is -- what is that</p> <p>12 committee?</p> <p>13 A. I think -- I might have referred to</p> <p>14 it with Carole Rendon heading up the committee.</p> <p>15 I don't know if that's the same name that we</p> <p>16 discussed before or not, but this is what I was</p> <p>17 referring to, that she was at the U.S.</p> <p>18 Attorney's Office. We used to meet.</p> <p>19 Q. Used to meet?</p> <p>20 A. Well, I've attended meetings on</p> <p>21 behalf of the sheriff.</p> <p>22 Q. Okay.</p> <p>23 A. I think we referenced it earlier.</p> <p>24 Q. Yes. Do you remember how many</p> <p>25 meetings that you attended?</p> | <p style="text-align: right;">Page 153</p> <p>1 MR. BADALA: Objection to form.</p> <p>2 A. I'm sorry. Could you repeat it?</p> <p>3 Are you asking me to interpret what he's saying?</p> <p>4 Q. No. I'm trying not to do that, so</p> <p>5 we can set the sentence aside.</p> <p>6 Are you personally aware of any</p> <p>7 issues, overdose issues, associated with heroin</p> <p>8 and fentanyl combinations?</p> <p>9 MR. BADALA: Objection to form.</p> <p>10 A. Well, that's what -- I mean, our</p> <p>11 detectives have investigated those.</p> <p>12 Q. Okay. Is that -- has that been</p> <p>13 increasing or decreasing in frequency over time,</p> <p>14 that --</p> <p>15 MR. BADALA: Objection.</p> <p>16 Q. -- the overdose being a result of</p> <p>17 some sort of heroin and fentanyl combination?</p> <p>18 MR. BADALA: Objection to form.</p> <p>19 A. I'm not sure I understand the</p> <p>20 question you just asked. If it's -- I'm not</p> <p>21 sure I understand that.</p> <p>22 Q. Do you -- do you know whether</p> <p>23 there's been a change at all in the trend --</p> <p>24 in -- a trend change in terms of what people are</p> <p>25 overdosing on in Cuyahoga County?</p> |

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| <p style="text-align: right;">Page 154</p> <p>1 MR. BADALA: Objection to form.</p> <p>2 A. I'm not aware of the trend change,</p> <p>3 no.</p> <p>4 Q. Okay. So -- okay. Fair enough.</p> <p>5 Do you view Cuyahoga County as</p> <p>6 having -- there being a problem in Cuyahoga</p> <p>7 County with respect to prescription --</p> <p>8 prescription opioid abuse?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. When did that start?</p> <p>11 A. The actual abuse or when --</p> <p>12 Q. When did it become a problem?</p> <p>13 A. Well, I think this past year it's</p> <p>14 come out in the media as far as the attorney</p> <p>15 general, president and the county executive</p> <p>16 saying, hey, we have an epidemic problem here.</p> <p>17 But, again, I refer back to when I became</p> <p>18 lieutenant of the narcotics division and the</p> <p>19 programs that were put in place that, you know,</p> <p>20 there was -- there was the need for these</p> <p>21 programs.</p> <p>22 Q. And you became a lieutenant in 2014?</p> <p>23 A. Yes, sir.</p> <p>24 Q. And the programs that were -- there</p> <p>25 were programs that were in place that predated</p>  | <p style="text-align: right;">Page 156</p> <p>1 investigation. They want some type of closure.</p> <p>2 They want to know if something is being done</p> <p>3 about, you know, why their son, daughter,</p> <p>4 whatever loved one, is dead due to this, so --</p> <p>5 I'm sorry if I didn't answer the question, but</p> <p>6 --</p> <p>7 Q. That's helpful. So I want to make</p> <p>8 sure I understand, though. It sounds like</p> <p>9 you're including within the opioid epidemic --</p> <p>10 you're including the use and abuse of heroin as</p> <p>11 part of that epidemic.</p> <p>12 A. Well, I think it all ties in. Like</p> <p>13 I stated, if you can no longer get the</p> <p>14 prescription medication that you're craving,</p> <p>15 you're going to find a way to satisfy that</p> <p>16 craving through heroin, fentanyl, illegal drugs.</p> <p>17 Q. Have you ever -- have you ever</p> <p>18 personally talked to any of those family</p> <p>19 members?</p> <p>20 A. I've talked with members on the</p> <p>21 phone before, yes.</p> <p>22 Q. And when you say they want closure,</p> <p>23 what -- has a family member ever communicated to</p> <p>24 you that he or she wants closure related to a</p> <p>25 family member who overdosed?</p> |
| <p style="text-align: right;">Page 155</p> <p>1 your becoming a lieutenant?</p> <p>2 A. Yes.</p> <p>3 Q. All right. What do you believe the</p> <p>4 cause of the -- well, do you believe that there</p> <p>5 is an opioid epidemic in Cuyahoga County?</p> <p>6 MR. BADALA: Objection to form.</p> <p>7 A. Yes.</p> <p>8 Q. What -- what are the parts of that</p> <p>9 opioid epidemic or what are you including within</p> <p>10 that?</p> <p>11 MR. BADALA: Objection to form.</p> <p>12 A. I'm speaking to detectives that</p> <p>13 respond to these overdoses. I think I mentioned</p> <p>14 before a lot of these are traced back to</p> <p>15 prescription opioids, and I think that the same</p> <p>16 underlying story is that when these people --</p> <p>17 and I hate to just refer to them as "these</p> <p>18 people," but when they can't get those</p> <p>19 prescription drugs anymore, that they turn to</p> <p>20 the street drug, heroin, fentanyl, whatever can</p> <p>21 satisfy that craving they have. A lot of young</p> <p>22 kids have been affected by this, too.</p> <p>23 So detectives, you know, they tell</p> <p>24 me about the stories. Parents. We have parents</p> <p>25 that call the office, want updates on the</p> | <p style="text-align: right;">Page 157</p> <p>1 A. Yes.</p> <p>2 Q. And what do they -- when they say</p> <p>3 they want closure, what are they -- are they</p> <p>4 asking you specifically to do something, arrest</p> <p>5 somebody?</p> <p>6 MR. BADALA: Objection to form.</p> <p>7 A. You know, it's a judgment on what</p> <p>8 they're referring to. We try to -- I think if</p> <p>9 they're referring to the person that sold them</p> <p>10 these drugs, that could be closure. So, you</p> <p>11 know, that's the way I see it.</p> <p>12 Q. Family members that you've talked</p> <p>13 to, have they ever asked you specifically, "Do</p> <p>14 you have any leads on who sold my son or</p> <p>15 daughter the heroin"?</p> <p>16 A. Correct. Yes, they've asked that.</p> <p>17 Q. Have any of these family members</p> <p>18 ever asked you anything related to prescription</p> <p>19 drugs?</p> <p>20 A. Yeah. I think they've mentioned --</p> <p>21 I don't remember every conversation I've had</p> <p>22 with family members.</p> <p>23 Q. Do you remember any specific</p> <p>24 conversation --</p> <p>25 MR. BADALA: Hold on.</p>  |

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| <p style="text-align: right;">Page 158</p> <p>1 Were you finished with your answer?</p> <p>2 THE WITNESS: No. I was just going</p> <p>3 to elaborate a little bit.</p> <p>4 Q. Please.</p> <p>5 A. Yeah. I don't remember every</p> <p>6 conversation I've had with every family member,</p> <p>7 but they -- whenever you have a family member,</p> <p>8 they like to tell you the background of their</p> <p>9 loved one that died, so that conversation has</p> <p>10 come up before as far as prescription</p> <p>11 medication.</p> <p>12 Q. Has a family member ever asked you</p> <p>13 to do anything related to prescription</p> <p>14 medications?</p> <p>15 MR. BADALA: Objection to form.</p> <p>16 A. Not that I remember, no.</p> <p>17 Q. Are there any other causes -- is the</p> <p>18 only cause -- am I understanding your testimony</p> <p>19 correctly that the only cause -- you think the</p> <p>20 only thing that causes heroin use is prior use</p> <p>21 of prescription medications?</p> <p>22 MR. BADALA: Objection to form.</p> <p>23 A. I can't say it's a hundred percent</p> <p>24 the only cause, no.</p> <p>25 Q. Okay. What are other causes of</p> | <p style="text-align: right;">Page 160</p> <p>1 knowledge, ever investigated theft of</p> <p>2 prescription opioids, whether, you know, taken</p> <p>3 from somebody's house, from a doctor's office,</p> <p>4 from a pharmacy?</p> <p>5 MR. BADALA: Objection to form.</p> <p>6 A. I don't remember it, no.</p> <p>7 Q. All right. How about investigating</p> <p>8 people forging prescriptions?</p> <p>9 A. Not that I'm aware of, no.</p> <p>10 Q. Pill sharing, so someone who had a</p> <p>11 prescription for a prescription opioid who was</p> <p>12 sharing it with friends or family?</p> <p>13 MR. BADALA: Objection to form.</p> <p>14 A. Not that I remember, but -- I can go</p> <p>15 back. I think -- we have had people enter the</p> <p>16 building, our county buildings, with</p> <p>17 prescription pills on them that aren't --</p> <p>18 doesn't have their name on them, so there are</p> <p>19 some investigations that have taken place or</p> <p>20 charges -- I don't know specifics of it, but I</p> <p>21 know that has happened within our department.</p> <p>22 Q. If that's happened, which unit</p> <p>23 within the department is responsible for</p> <p>24 investigating that?</p> <p>25 A. It could be as simple as the person</p> |
| <p style="text-align: right;">Page 159</p> <p>1 heroin use?</p> <p>2 MR. BADALA: Objection to form.</p> <p>3 A. I don't know. I'm not a heroin user</p> <p>4 so I can't answer why people do it.</p> <p>5 Q. All right. Well, is that something</p> <p>6 you've done any -- received any training or done</p> <p>7 any study of?</p> <p>8 MR. BADALA: Objection to form.</p> <p>9 A. No, I haven't.</p> <p>10 Q. Same question with respect to</p> <p>11 fentanyl. Have you done -- received any</p> <p>12 training on why people use fentanyl?</p> <p>13 A. Training, no.</p> <p>14 Q. Have you done any studies as to why</p> <p>15 people use fentanyl?</p> <p>16 A. No, I have not.</p> <p>17 MR. BLOCK: We'll go a little</p> <p>18 further and then break for lunch, just a few</p> <p>19 more minutes here.</p> <p>20 Q. Have you ever heard of the term</p> <p>21 "diversion" as it relates to prescription</p> <p>22 opioids?</p> <p>23 A. I'm not familiar with that, no.</p> <p>24 Q. Okay. Have you -- has the sheriff's</p> <p>25 department ever investigated -- to your</p>  | <p style="text-align: right;">Page 161</p> <p>1 that found it. They can do that case on their</p> <p>2 own. But that has happened.</p> <p>3 Q. Do you know whether the department</p> <p>4 has ever arrested anyone for -- in connection</p> <p>5 with -- are you familiar with the term "doctor</p> <p>6 shopping"?</p> <p>7 A. Yes.</p> <p>8 Q. All right. Do you know whether the</p> <p>9 sheriff's department has ever made any arrests</p> <p>10 of anybody who was -- because they were doctor</p> <p>11 shopping?</p> <p>12 A. I was not briefed on that, but</p> <p>13 again, we kind of -- if we get a tip or have</p> <p>14 information on that, we turn that over to our</p> <p>15 DEA task force.</p> <p>16 Q. Are you familiar with -- have you</p> <p>17 heard the term "pill mill"?</p> <p>18 A. I've heard the term.</p> <p>19 Q. What do you understand that to mean?</p> <p>20 A. I don't know. To be honest with</p> <p>21 you, I don't know.</p> <p>22 Q. Have you ever heard of about either,</p> <p>23 like, pharmacies that had a reputation for being</p> <p>24 a place where people could go to get liberal</p> <p>25 supply of opioid medication, prescription</p>   |

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| <p style="text-align: right;">Page 162</p> <p>1 opioids?</p> <p>2 MR. BADALA: Objection to form.</p> <p>3 A. You'd have to repeat that. I'm</p> <p>4 sorry. I didn't catch all that.</p> <p>5 Q. Okay. Well, you said you've heard</p> <p>6 the term "pill mill." Where have you heard</p> <p>7 that?</p> <p>8 A. Probably media, something like that.</p> <p>9 It's not something I looked up or anything like</p> <p>10 that. I just --</p> <p>11 Q. Has the sheriff's department ever</p> <p>12 investigated any business, building, where,</p> <p>13 like, people seem to be going in -- of whatever</p> <p>14 sort it was, people seem to be going in and</p> <p>15 coming out with prescription medications?</p> <p>16 A. I'm not aware of any investigations</p> <p>17 that happened like that, no.</p> <p>18 Q. Are you aware of any such a building</p> <p>19 anywhere within the limits of Cuyahoga County at</p> <p>20 any point in time?</p> <p>21 MR. BADALA: Objection to form.</p> <p>22 A. I don't know.</p> <p>23 Q. You don't know one way or the other?</p> <p>24 A. Right.</p> <p>25 MR. BLOCK: Why don't we take our</p> | <p style="text-align: right;">Page 164</p> <p>1 - - - - -</p> <p>2 (Thereupon, Gerome Deposition</p> <p>3 Exhibit 3, Cuyahoga County Sheriff's</p> <p>4 Department 2015 Annual Report, was</p> <p>5 marked for purposes of</p> <p>6 identification.)</p> <p>7 - - - - -</p> <p>8 THE VIDEOGRAPHER: On the record,</p> <p>9 12:55:</p> <p>10 -----</p> <p>11 AFTERNOON SESSION</p> <p>12 CONTINUED EXAMINATION OF DONALD GEROME</p> <p>13 BY MR. BLOCK:</p> <p>14 Q. Captain Gerome, Exhibit 3 is a</p> <p>15 document entitled "Cuyahoga County Sheriff's</p> <p>16 Department Annual Report," the 2015 annual</p> <p>17 report. It has -- it bears Bates label CUYAH</p> <p>18 120708 through 120760.</p> <p>19 Have you seen the sheriff's</p> <p>20 department annual reports before?</p> <p>21 A. Yes, sir.</p> <p>22 Q. And I want to -- of course I just</p> <p>23 lost it, but I want to focus on page -- the page</p> <p>24 with your name on it, which is -- it's got Bates</p> <p>25 number 120745 at the bottom. Let me know when</p>                                 |
| <p style="text-align: right;">Page 163</p> <p>1 lunch break now.</p> <p>2 THE VIDEOGRAPHER: Off the record,</p> <p>3 12:14.</p> <p>4</p> <p>5 (Luncheon recess taken.)</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>  | <p style="text-align: right;">Page 165</p> <p>1 you're there.</p> <p>2 A. Okay.</p> <p>3 Q. Yes, we're on the same one that --</p> <p>4 the heading at the top of the page is "CCSD</p> <p>5 Package Interdiction Team." Is that the page</p> <p>6 you're on?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Okay. Did you -- it's got your name</p> <p>9 at the bottom?</p> <p>10 A. Yes, it does.</p> <p>11 Q. All right. So did you provide the</p> <p>12 information that's reflected on this page for</p> <p>13 inclusion in the annual report?</p> <p>14 A. I provided this information to the</p> <p>15 sheriff's secretary, who puts this all together.</p> <p>16 Q. Okay. So I just want to go through</p> <p>17 and make -- see if I can understand what's being</p> <p>18 reported here.</p> <p>19 Under -- it's got a bunch of numbers</p> <p>20 for 2015 totals. The -- one of which is</p> <p>21 arrests, and then it says -- if I'm following it</p> <p>22 across -- 13?</p> <p>23 A. Yes, sir.</p> <p>24 Q. All right. What -- 13 arrests of</p> <p>25 what, or for what?</p> |



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| <p style="text-align: right;">Page 166</p> <p>1 A. Can I just read the top section real<br/>2 quick since this was a couple years ago? I just<br/>3 want to make sure I'm looking at it right.<br/>4 Q. Yes.<br/>5 A. Okay. I'm sorry.<br/>6 Q. I think it says 13 arrests.<br/>7 A. Yes, sir.<br/>8 Q. And what would be included in the --<br/>9 arrests for what?<br/>10 A. This list is -- was -- I think I<br/>11 mentioned him, Detective Twombly, who is a K9<br/>12 detective -- I think I mentioned the K9 unit --<br/>13 works with the postal inspector. This<br/>14 information comes from him and his unit. And<br/>15 the 13 arrests are probably the arrests he had<br/>16 for 2015.<br/>17 Q. Okay. Let me just -- I want to make<br/>18 sure that's right because I want to jump down.<br/>19 There's a line for heroin overdoses.<br/>20 Do you see that?<br/>21 A. Yes, sir.<br/>22 Q. And it says 44, if I'm following it<br/>23 correctly across, or is it -- yeah, I think so.<br/>24 Yeah, so 44 heroin overdoses?<br/>25 A. Yes.</p>   | <p style="text-align: right;">Page 168</p> <p>1 me?<br/>2 Q. Yes.<br/>3 A. I'm pretty sure it was Deputy Mike<br/>4 Twombly, T-w-o-m-b-l-y, and he's our K9<br/>5 detective assigned to the postal inspector's<br/>6 office.<br/>7 Q. All right. And do you recall<br/>8 providing any information to the -- for the<br/>9 annual report related to the operations of the<br/>10 larger narcotics division?<br/>11 A. Do I -- I'm sorry. Do I recall<br/>12 giving any?<br/>13 Q. Yes.<br/>14 A. I don't recall it, but if I was the<br/>15 lieutenant at the time, I probably did.<br/>16 - - - - -<br/>17 (Thereupon, Gerome Deposition<br/>18 Exhibit 4, Cuyahoga County Sheriff's<br/>19 Department 2016 Annual Report, was<br/>20 marked for purposes of<br/>21 identification.)<br/>22 - - - - -<br/>23 Q. So Gerome Exhibit 4 is the Cuyahoga<br/>24 County Sheriff's Department 2016 annual report,<br/>25 bears the Bates number CUYAH 121572 through</p>  |
| <p style="text-align: right;">Page 167</p> <p>1 Q. Okay. Do you know where that<br/>2 information comes from? That's not -- that<br/>3 didn't -- is that limited to what the K9 officer<br/>4 saw?<br/>5 A. I don't know where he got that<br/>6 information, but no, that wouldn't be just the<br/>7 K9 officer responding to that.<br/>8 Q. Okay. And how about beneath it, it<br/>9 says, "Interviews, 66." Do you know what is<br/>10 intended to be encompassed within that category?<br/>11 A. That's probably interviews, field<br/>12 interviews he conducted.<br/>13 Q. Okay. So then we go up to -- from<br/>14 heroin overdoses, it says "pills" and then the<br/>15 number is 77. 77 what?<br/>16 A. I don't remember what that number<br/>17 stood for.<br/>18 Q. Okay. The same question with<br/>19 respect to heroin. It says 30 is the number.<br/>20 Do you know 30 what?<br/>21 A. No, I don't remember.<br/>22 Q. All right. So let's look at -- tell<br/>23 me again, before I hand you this one, what was<br/>24 the name of the deputy, the sergeant?<br/>25 A. That supplied this information to</p> | <p style="text-align: right;">Page 169</p> <p>1 121804, and there's a similar page. I want to<br/>2 specifically ask you about the page 121789,<br/>3 which has 2016 totals for categories similar to<br/>4 what we looked at on the prior.<br/>5 A. Okay.<br/>6 Q. And this says that Lieutenant Sharpe<br/>7 submitted it. Do you know whether this -- do<br/>8 you know what the data on this page -- where it<br/>9 comes from?<br/>10 A. Again, this is probably provided by<br/>11 Detective Twombly.<br/>12 Q. Okay. And for heroin overdoses, it<br/>13 looks like -- it looks like it's 75 -- well,<br/>14 wait. Is that right, 75, heroin overdoses?<br/>15 A. Yes.<br/>16 Q. Is it 75 or 66? I can't tell.<br/>17 A. It's 75.<br/>18 Q. 75, okay. That's -- does that sound<br/>19 about right to you in terms of the number of<br/>20 overdoses that the narcotics unit investigated<br/>21 in 2016?<br/>22 A. It's probably accurate, yeah.<br/>23 Q. Okay. Do you know whether there's a<br/>24 2017 annual report?<br/>25 A. There should be, yes.</p> |

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| <p style="text-align: right;">Page 170</p> <p>1 Q. Okay. Have you seen it?</p> <p>2 A. The annual reports are e-mailed out.</p> <p>3 I'm not sure if I got that e-mail or not or if I</p> <p>4 looked at it.</p> <p>5 Q. On the next page -- well, it doesn't</p> <p>6 matter. Do you know Sergeant Monteleone?</p> <p>7 A. Monteleone, yes, sir.</p> <p>8 Q. Monteleone. Who is he?</p> <p>9 A. Sergeant with the department. Right</p> <p>10 now he's in charge of our warrant unit.</p> <p>11 Q. Okay. Has he ever worked in the</p> <p>12 narcotics unit?</p> <p>13 A. Yes.</p> <p>14 Q. When was that?</p> <p>15 A. As a supervisor or just in general?</p> <p>16 He was -- when I was -- back in 2005, he was a</p> <p>17 detective in the unit. He was also assigned to</p> <p>18 a task force, if I remember correctly. I don't</p> <p>19 know if he was a -- I don't remember if he was a</p> <p>20 direct supervisor of the narcotic division. I</p> <p>21 know he was in it as our evidence sergeant. He</p> <p>22 may have had maybe dual assignments at the time.</p> <p>23 I'm sorry. If you give me a second. I'm just</p> <p>24 trying to remember.</p> <p>25 Q. Yeah.</p> | <p style="text-align: right;">Page 172</p> <p>1 know when you've had a chance to read that.</p> <p>2 A. Oh, okay. Sure.</p> <p>3 Okay.</p> <p>4 Q. By the way, are you familiar with</p> <p>5 the sheriff's newsletter?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Does it come out monthly?</p> <p>8 A. Quarterly.</p> <p>9 Q. Quarterly, okay. Who's in charge of</p> <p>10 it in terms of the content that goes into it?</p> <p>11 A. Again, the information I think is</p> <p>12 submitted to his secretary, Tara, and then she</p> <p>13 puts it all together.</p> <p>14 Q. And who gets a copy of the</p> <p>15 newsletter?</p> <p>16 A. Everyone in the sheriff's department</p> <p>17 can get a copy, yeah, anyone that has -- or</p> <p>18 wants it.</p> <p>19 Q. Okay. Do you know if they circulate</p> <p>20 it outside of the department?</p> <p>21 A. That, I don't know. I don't know.</p> <p>22 Q. Do you know whether -- in April of</p> <p>23 2017 whether Sergeant Monteleone was -- had any</p> <p>24 responsibilities with the narcotics unit?</p> <p>25 A. I want to say he was in charge of</p> |
| <p style="text-align: right;">Page 171</p> <p>1 A. I think he was -- when I made</p> <p>2 lieutenant, he was one of the sergeants in</p> <p>3 charge of the narcotics division --</p> <p>4 Q. Okay.</p> <p>5 A. -- if I remember correctly, yeah.</p> <p>6 Q. Okay. Great. Then I was going to</p> <p>7 mark this as Gerome 5.</p> <p>8 - - - - -</p> <p>9 (Thereupon, Gerome Deposition</p> <p>10 Exhibit 5, Cuyahoga County Sheriff's</p> <p>11 Department Newsletter dated April</p> <p>12 2017 Beginning Bates Number</p> <p>13 CUYAH_000118584, was marked for</p> <p>14 purposes of identification.)</p> <p>15 - - - - -</p> <p>16 Q. Please take a minute to look at</p> <p>17 this. I'm -- just so you know, I'm focused on</p> <p>18 the article or story on the second page entitled</p> <p>19 "Fighting an Epidemic."</p> <p>20 A. Okay.</p> <p>21 Q. But I'll note for the record, Gerome</p> <p>22 4 is a -- Gerome 5 am I on -- thank you -- is a</p> <p>23 document entitled "Cuyahoga County Sheriff's</p> <p>24 Department Newsletter," April '17. It has the</p> <p>25 Bates label CUYAH 118584 through 118585. Let me</p>   | <p style="text-align: right;">Page 173</p> <p>1 our evidence at that time.</p> <p>2 Q. And did you get a chance to read his</p> <p>3 article, the "Fighting an Epidemic"?</p> <p>4 A. Before it was submitted to Tara</p> <p>5 or --</p> <p>6 Q. Sure.</p> <p>7 A. I'm sorry. Go ahead.</p> <p>8 Q. I meant sitting here -- did you get</p> <p>9 a chance to look at it when I handed you the</p> <p>10 exhibit?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. Did you see anything</p> <p>13 erroneous in his article?</p> <p>14 MR. BADALA: Objection to form.</p> <p>15 A. I don't know about erroneous. Maybe</p> <p>16 misleading with the 14 overdoses.</p> <p>17 Q. What's misleading about that?</p> <p>18 A. Well, in a sense -- he said</p> <p>19 responded to 14 overdoses in 2017. He maybe</p> <p>20 should have clarified it with the first quarter</p> <p>21 of 2017 that they responded to that. That might</p> <p>22 be a little bit misleading.</p> <p>23 Q. Sure.</p> <p>24 A. I'm sorry. What was the original</p> <p>25 question?</p>   |

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| <p style="text-align: right;">Page 174</p> <p>1 Q. Whether you saw any errors in what<br/>2 he said.<br/>3 A. No, I don't believe there were any<br/>4 errors.<br/>5 Q. Do you know how it is that he came<br/>6 to contribute this piece to the newsletter?<br/>7 MR. BADALA: Objection to form.<br/>8 A. I think Tara sometimes sends out<br/>9 e-mails to different units within the sheriff's<br/>10 department, asking to submit a story or<br/>11 something like that, and -- I don't know --<br/>12 maybe she reached out to him and -- I don't know<br/>13 if she reached out to me and I forwarded it to<br/>14 him or not, but somehow it got to him to put a<br/>15 story together.<br/>16 Q. Okay. All right. Great. Well,<br/>17 also, under "New Hires" it says there was a new<br/>18 pharmacist. What's the pharmacist do for the<br/>19 sheriff's department?<br/>20 A. They would be inside the jail.<br/>21 Q. Okay. Do you know whether the jail<br/>22 pharmacy orders prescription opioid medications?<br/>23 A. Not firsthand, no, I don't know.<br/>24 Q. You talked a little bit before the<br/>25 lunch break about conversations you think you</p> | <p style="text-align: right;">Page 176</p> <p>1 Q. When was the most recent<br/>2 conversation?<br/>3 A. I don't remember.<br/>4 Q. Was it -- have you had --<br/>5 A. It hasn't been -- I'm sorry. Finish<br/>6 your question, please.<br/>7 Q. Have you had a conversation with<br/>8 someone this year?<br/>9 A. I don't remember.<br/>10 Q. Did you have a conversation -- were<br/>11 any of these conversations in 2017?<br/>12 A. I don't remember specific dates. It<br/>13 could have been.<br/>14 Q. Were any of these conversations when<br/>15 you were a lieutenant?<br/>16 A. I don't remember.<br/>17 Q. How long were -- were the<br/>18 conversations?<br/>19 MR. BADALA: Objection to form.<br/>20 A. For the most part, it would be a<br/>21 couple minutes, nothing more.<br/>22 Q. Did you make any recording of the<br/>23 conversations?<br/>24 A. No, sir.<br/>25 Q. Thank you.</p>  |
| <p style="text-align: right;">Page 175</p> <p>1 may have had with family members of overdose<br/>2 victims. Do you remember that?<br/>3 A. Yes, sir.<br/>4 Q. How many of those conversations do<br/>5 you think you've had?<br/>6 MR. BADALA: Objection to form.<br/>7 A. I don't know. I don't know a number<br/>8 offhand.<br/>9 Q. I mean, are we talking more than a<br/>10 handful of times?<br/>11 MR. BADALA: Objection to form.<br/>12 A. What's a handful?<br/>13 Q. Five, I guess.<br/>14 A. Probably around that, five.<br/>15 Q. Okay. Around that?<br/>16 A. Probably, yes, sir.<br/>17 Q. Okay. And did you take any notes<br/>18 for any of these conversations?<br/>19 A. I may have written down their names<br/>20 or whatever, just to follow up with -- you know,<br/>21 with the detectives are doing or something like<br/>22 that, but -- so yeah, I guess. Yes.<br/>23 Q. Do you remember the names of any of<br/>24 the folks you talked with?<br/>25 A. No, sir.</p>   | <p style="text-align: right;">Page 177</p> <p>1 Have you ever heard of a<br/>2 Dr. Feldman, who was charged in 2006 with<br/>3 trafficking opioids through his medical clinics?<br/>4 A. No, sir.<br/>5 Q. Does that ring a bell to you?<br/>6 A. No, it does not.<br/>7 Q. Okay. See if this helps at all. As<br/>8 I understand, the doctor then was on trial in<br/>9 2008 and committed suicide while the trial was<br/>10 going on. Does that ring a bell at all?<br/>11 A. No, sir.<br/>12 Q. Have you -- do you know whether the<br/>13 sheriff's department has ever received a tip<br/>14 that someone was trafficking, selling,<br/>15 distributing otherwise prescription medications?<br/>16 MR. BADALA: Objection to form.<br/>17 A. I think we discussed that. I'm not<br/>18 aware of any specific tip coming in like that.<br/>19 Q. Okay. And if there were -- if the<br/>20 sheriff's department had gotten such a tip that<br/>21 somebody was involved with trafficking<br/>22 prescription medications, where would -- who<br/>23 would have that been directed to?<br/>24 MR. BADALA: Objection to form.<br/>25 A. The tip itself?</p> |

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| <p style="text-align: right;">Page 178</p> <p>1 Q. Yes.</p> <p>2 A. It depends how the tip came in. It</p> <p>3 would have -- like I said before, if it's a</p> <p>4 Crime Stopper tip or it comes in through our</p> <p>5 website, it would be directed to the supervisor</p> <p>6 of the unit, narcotics unit at the time.</p> <p>7 Q. Okay.</p> <p>8 A. And that type of tip that we</p> <p>9 discussed earlier would be probably forwarded to</p> <p>10 the DEA task force.</p> <p>11 Q. Okay. Have you ever had any</p> <p>12 interactions with the State of Ohio Medical</p> <p>13 Board?</p> <p>14 A. Not that I remember, no.</p> <p>15 Q. Did you see the story on Channel 7</p> <p>16 recently about the medical board and whether the</p> <p>17 medical board was -- you know, should have been</p> <p>18 following up on doctors who were overprescribing</p> <p>19 prescription opioids?</p> <p>20 A. I don't know what Channel 7 is.</p> <p>21 Q. I thought it was Channel 7.</p> <p>22 A. But regardless, no, I don't.</p> <p>23 Q. What is Fox here locally?</p> <p>24 A. Fox is 8.</p> <p>25 Q. All right. So maybe it was Channel</p>                          | <p style="text-align: right;">Page 180</p> <p>1 of any investigations by the Cuyahoga Sheriff's</p> <p>2 Department into prescription forgeries?</p> <p>3 MR. BADALA: Objection to form.</p> <p>4 A. I'm not aware of any ongoing</p> <p>5 investigations involving that, no.</p> <p>6 Q. Did you say "ongoing"?</p> <p>7 A. Or past investigation, ongoing and</p> <p>8 past.</p> <p>9 Q. Okay. And within the sheriff's</p> <p>10 department, which branch or department would</p> <p>11 that -- if there were such investigations, who</p> <p>12 would that fall under? Would that be something</p> <p>13 narcotics would do?</p> <p>14 A. Again, narcotics would take the</p> <p>15 initial complaint and probably turn that over to</p> <p>16 our task force officer.</p> <p>17 Q. Okay. The DEA task force officer?</p> <p>18 A. Yes.</p> <p>19 Q. All right. Has it been the same</p> <p>20 person at the DEA -- who's at the DEA now?</p> <p>21 A. We have two detectives. Detective</p> <p>22 John Gioitta and Detective Doug Jopek, and they</p> <p>23 -- Doug Jopek has been recently assigned. We</p> <p>24 had an agent there that resigned, took another</p> <p>25 job. And then John Gioitta has been there</p> |
| <p style="text-align: right;">Page 179</p> <p>1 8. Have you seen a news story recently about</p> <p>2 the medical board, the Ohio State Medical Board?</p> <p>3 A. No, I don't remember seeing that</p> <p>4 story.</p> <p>5 Q. Okay. Have you ever had any</p> <p>6 interactions with anyone at the Ohio Board of</p> <p>7 Pharmacy?</p> <p>8 A. No, I have not.</p> <p>9 Q. Do you know whether anyone at the</p> <p>10 sheriff's department has ever had interactions</p> <p>11 with the Ohio Board of Pharmacy relating to</p> <p>12 issues around opioids?</p> <p>13 A. I don't know.</p> <p>14 Q. And same question -- I should ask</p> <p>15 whether you know whether anyone at the sheriff's</p> <p>16 department has ever had any interactions with</p> <p>17 the medical board regarding opioids?</p> <p>18 A. I don't know.</p> <p>19 Q. Are you aware of any pharmacies that</p> <p>20 sold opioids or provided opioids improperly to</p> <p>21 anybody in Cuyahoga County?</p> <p>22 MR. BADALA: Objection to form.</p> <p>23 A. I'm not aware of, no.</p> <p>24 Q. Are you aware of any -- I may have</p> <p>25 asked you this before. I apologize if I did --</p> | <p style="text-align: right;">Page 181</p> <p>1 approximately, I think, two years.</p> <p>2 Q. Who was there before Detective</p> <p>3 Jeoeta?</p> <p>4 A. Detective Lou Scibelli, or Deputy</p> <p>5 Lou Scibelli now.</p> <p>6 Q. All right. Is Deputy Scibelli still</p> <p>7 with the sheriff's department?</p> <p>8 A. Yes, he is.</p> <p>9 Q. What's he doing now?</p> <p>10 A. He's assigned to the uniform</p> <p>11 division courts. I don't know specifically what</p> <p>12 courts it is, but the courts division.</p> <p>13 Q. Do you know how long he was with the</p> <p>14 DEA task force?</p> <p>15 A. He was assigned there when I got</p> <p>16 into narcotics in 2014. I don't know his exact</p> <p>17 date he moved over there.</p> <p>18 Q. Do you know if there had been</p> <p>19 someone there with DEA before him?</p> <p>20 A. That, I don't know. I think we had</p> <p>21 someone in the DEA since I've started with the</p> <p>22 sheriff's department, but I don't know if it was</p> <p>23 him or someone else.</p> <p>24 Q. I was -- so I was going to also go</p> <p>25 back -- in the '05 to '07 time frame, when you</p>   |

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| <p style="text-align: right;">Page 182</p> <p>1 were in the narcotics division, do you remember,</p> <p>2 was there someone who was technically in the</p> <p>3 narcotics division but was on assignment to the</p> <p>4 DEA at that time?</p> <p>5 A. Yes.</p> <p>6 Q. Do you remember who it was?</p> <p>7 A. It was now Sergeant Hirko.</p> <p>8 Q. Okay. Any of these folks who have</p> <p>9 been assigned to the DEA task force, have they</p> <p>10 ever given a -- have they ever talked to the</p> <p>11 rest of the people in the division about what it</p> <p>12 is they either do or did over there?</p> <p>13 MR. BADALA: Objection to form.</p> <p>14 A. Yes. I mean, if I understand</p> <p>15 your -- yeah, there's constant communication.</p> <p>16 There's -- we help them out, they help us out,</p> <p>17 resources, manpower. If there's a search</p> <p>18 warrant, we'll ask them to assist if they have</p> <p>19 the manpower; and vice versa, if they have a</p> <p>20 search warrant, our guys are available.</p> <p>21 Q. Can you think of any, you know,</p> <p>22 ideas or suggestions that someone has made to</p> <p>23 the sheriff's department based on, you know,</p> <p>24 hey, DEA had this great idea or technique of X,</p> <p>25 we should try that in our own investigations?</p> | <p style="text-align: right;">Page 184</p> <p>1 Q. I'm sorry. Do you know whether</p> <p>2 anyone at the sheriff's department has ever been</p> <p>3 involved with any investigations into any</p> <p>4 pharmacy related to suspicious orders of</p> <p>5 opioids?</p> <p>6 A. No. Again, I think anything that</p> <p>7 would come in like that, we'd turn over to the</p> <p>8 DEA.</p> <p>9 Q. Same question, anybody at the</p> <p>10 sheriff's department involved with any</p> <p>11 investigation into any distributor related to</p> <p>12 suspicious orders of opioids?</p> <p>13 A. Not that I'm aware of.</p> <p>14 Q. All right. And any investigation</p> <p>15 into any manufacturer regarding suspicious</p> <p>16 orders of opioids?</p> <p>17 A. Not that I'm aware of.</p> <p>18 Q. Can we go to -- can I get tab 2,</p> <p>19 please?</p> <p>20 - - - - -</p> <p>21 (Thereupon, Gerome Deposition</p> <p>22 Exhibit 6, E-Mail String Beginning</p> <p>23 Bates Number CUYAH_000118362, was</p> <p>24 marked for purposes of</p> <p>25 identification.)</p>  |
| <p style="text-align: right;">Page 183</p> <p>1 A. Not that I remember.</p> <p>2 Q. Okay. Vice versa, where you guys</p> <p>3 came up with something good that the -- your</p> <p>4 person at the DEA task force brought to the task</p> <p>5 force's attention, said we should really be</p> <p>6 trying this program or this technique?</p> <p>7 MR. BADALA: Objection to form.</p> <p>8 A. Not that I remember.</p> <p>9 Q. Does the sheriff's department do</p> <p>10 anything to -- do anything at all related to</p> <p>11 internet sale of opioid medications, monitor,</p> <p>12 investigate, anything like that?</p> <p>13 A. I'm not sure I understand that</p> <p>14 question.</p> <p>15 Q. Is the ordering of prescription</p> <p>16 opioids over the internet -- is that something</p> <p>17 that the sheriff's department has any</p> <p>18 involvement in?</p> <p>19 A. I'm not aware of any of our guys</p> <p>20 investigating that or prior investigating that.</p> <p>21 Q. Have you heard of a suspicious --</p> <p>22 have you heard of the phrase "suspicious order"</p> <p>23 as it relates to prescription opioids?</p> <p>24 A. I can -- I've never heard of it, but</p> <p>25 it's kind of self --</p>   | <p style="text-align: right;">Page 185</p> <p>1 - - - - -</p> <p>2 Q. While you're taking a minute to</p> <p>3 look -- while you're reviewing this, Captain</p> <p>4 Gerome, I'll state for the record that Gerome</p> <p>5 Exhibit 6 is an e-mail chain, most recent of</p> <p>6 which was September 5th, 2016 from Thomas Gilson</p> <p>7 to a whole bunch of people, bears the Bates</p> <p>8 numbers CUYAH 118362 through 63. And I am</p> <p>9 pretty sure I can find your name in the</p> <p>10 distribution list here if I hunt for it. Yes.</p> <p>11 I think I see your name, sir, four lines up from</p> <p>12 the bottom in the -- in the most recent e-mail</p> <p>13 in the chain.</p> <p>14 A. Yes, sir, I see it.</p> <p>15 Q. Okay. And I think a similar</p> <p>16 position in the lower down e-mail chain.</p> <p>17 So is this an e-mail, you, you know,</p> <p>18 I guess received in the ordinary course of</p> <p>19 business back in 2016?</p> <p>20 A. Okay. I'm sorry. Can you repeat</p> <p>21 that?</p> <p>22 Q. Is this an e-mail that you received</p> <p>23 in the ordinary course of business back in</p> <p>24 September of 2016?</p> <p>25 A. The -- I guess the second page is</p> |



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| <p style="text-align: right;">Page 186</p> <p>1 the alert that comes out, just explaining the<br/>2 whole thing here, that -- with the reported by<br/>3 Parma Police Department, that's the alert that<br/>4 is sent out via e-mail to everyone on this list,<br/>5 and then the -- and then the sentence that I<br/>6 think you're referring to is a -- just from<br/>7 Dr. Gilson commenting on the alert, I guess.<br/>8 Q. Okay. So let's break that up and<br/>9 I'll ask a few follow-up questions.<br/>10 Who is Dr. Gilson?<br/>11 A. Dr. Gilson is the medical examiner<br/>12 of Cuyahoga County.<br/>13 Q. Okay. How long has he been the<br/>14 medical examiner?<br/>15 A. Sir, I don't know that answer.<br/>16 Q. Was he the medical examiner when you<br/>17 were the lieutenant?<br/>18 A. Yes, I believe so.<br/>19 Q. Okay. And then you said that the --<br/>20 I guess it's the initial e-mail in the chain you<br/>21 referred to as "the alert." Is that --<br/>22 A. Yeah. I think we spoke briefly on<br/>23 it. An alert goes out to our detectives,<br/>24 myself, supervisors, announcing a heroine<br/>25 overdose, or -- I'm sorry, a suspected heroin</p> | <p style="text-align: right;">Page 188</p> <p>1 guess, you hadn't been uninvited, the sheriff's<br/>2 department would send two detectives to respond<br/>3 to the scene?<br/>4 A. I don't know if the term "uninvited"<br/>5 is correct, but, yeah, this is an agency that<br/>6 handles their own overdose scenes.<br/>7 Q. Okay. All right. Got it.<br/>8 And then in the top e-mail<br/>9 Dr. Gilson is commenting in his second sentence,<br/>10 it says, "Might be carfentanil." Do you know<br/>11 what carfentanil is?<br/>12 A. Yes, sir.<br/>13 Q. What's carfentanil?<br/>14 A. From my understanding, it's a form<br/>15 of fentanyl, but I don't know how many times<br/>16 stronger, used basically with animals as a<br/>17 sedative, pain reliever, something like that.<br/>18 Q. And there are people overdosing on<br/>19 that now?<br/>20 A. Yes, sir.<br/>21 Q. Where is -- do you know, how are<br/>22 they getting the carfentanil?<br/>23 A. I don't know that, sir.<br/>24 Q. Do you know where it's coming from?<br/>25 MR. BLOCK: Objection to form.</p>   |
| <p style="text-align: right;">Page 187</p> <p>1 overdose scene. That's what you're looking at<br/>2 on the second page. That's the information<br/>3 that's provided.<br/>4 Q. And where it says "XX2016-03490,"<br/>5 does that -- what does that number code refer<br/>6 to?<br/>7 A. I don't know. That comes from the<br/>8 medical examiners.<br/>9 Q. Okay. Is that something that you<br/>10 use or apply?<br/>11 A. No, it's not.<br/>12 Q. Do you know --<br/>13 A. Well, can I backtrack?<br/>14 Q. Please.<br/>15 A. I don't know if detectives actually<br/>16 use this to relate the heroine overdose medical<br/>17 examiner case number to our case number. So<br/>18 they may. I don't know.<br/>19 Q. Do you know whether someone from the<br/>20 county sheriff's office responded to this scene?<br/>21 A. It's most likely not based on it<br/>22 was -- looked like it happened in Parma.<br/>23 Q. Okay. But this is the type of alert<br/>24 that you were describing earlier, that if it<br/>25 were somewhere within a jurisdiction where, I</p>   | <p style="text-align: right;">Page 189</p> <p>1 A. No, I don't.<br/>2 Q. Is that something that the sheriff's<br/>3 department is working on investigating, trying<br/>4 to figure out how and where the carfentanil is<br/>5 coming from?<br/>6 MR. BADALA: Objection to form.<br/>7 A. I think any time you open an<br/>8 investigation, you want to try to find out as<br/>9 much information about it as possible. I don't<br/>10 know if there's any leads into where it comes<br/>11 from or not.<br/>12 Q. Do you know whether the sheriff's<br/>13 department has made any arrests related to the<br/>14 distribution of carfentanil?<br/>15 A. I'm not aware of arrests with<br/>16 carfentanil involved.<br/>17 Q. Okay. Are there -- I don't want you<br/>18 to comment on the substance, but are there<br/>19 active investigations currently into -- related<br/>20 to carfentanil distribution by the sheriff's<br/>21 department?<br/>22 A. I don't know.<br/>23 Q. Dr. Gilson's first sentence has a<br/>24 reference to the -- that most have had -- well,<br/>25 let me see. I can skip that. Let's go to the</p> |

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| <p style="text-align: right;">Page 190</p> <p>1 scene alert.</p> <p>2 A. On page 2?</p> <p>3 Q. Yes. It talks about the -- 29Y/O.</p> <p>4 That's years old?</p> <p>5 A. Yes, sir.</p> <p>6 Q. And WF, white female?</p> <p>7 A. Yes.</p> <p>8 Q. She was found dead in the -- found</p> <p>9 on bathroom floor expired at Bar 30, and then it</p> <p>10 goes on to say "with drug paraphernalia next to</p> <p>11 her."</p> <p>12 In your experience, what is drug</p> <p>13 paraphernalia? What does that term include?</p> <p>14 A. That can include a needle, syringe,</p> <p>15 baggies, any way to -- I'm trying to think of --</p> <p>16 Q. Anything else come to mind for</p> <p>17 paraphernalia?</p> <p>18 A. It could be a pill -- a pill bottle.</p> <p>19 Q. If the person -- would you expect --</p> <p>20 you're familiar with these -- what do you call</p> <p>21 these, scene alerts? What should we refer to --</p> <p>22 A. Heroin scene alerts, I guess, yeah.</p> <p>23 Q. Okay. In your -- do the heroin --</p> <p>24 if there were prescription opioids found at the</p> <p>25 scene of one of these instances that resulted in</p>   | <p style="text-align: right;">Page 192</p> <p>1 the e-mail stating six fatalities since last</p> <p>2 weekend, no toxicology. It could state</p> <p>3 anything.</p> <p>4 Q. What do you do at the sheriff's</p> <p>5 department, do with that information, if</p> <p>6 anything?</p> <p>7 A. I forward that to our detectives and</p> <p>8 our supervisor of the department, Sergeant</p> <p>9 Hirko.</p> <p>10 Q. Sure. What does Sergeant Hirko do</p> <p>11 with it?</p> <p>12 A. I don't know. I don't know. It's</p> <p>13 information sharing. Most of them are on this</p> <p>14 e-mail as well. So just making sure they get</p> <p>15 it.</p> <p>16 Q. Have you heard of Project DAWN? I</p> <p>17 think DAWN stands for deaths avoided with</p> <p>18 naloxone.</p> <p>19 A. Yes, sir.</p> <p>20 Q. What is Project DAWN?</p> <p>21 A. I wasn't involved in the start-up of</p> <p>22 it, but my understanding is it's the</p> <p>23 distribution of Narcan to first responders.</p> <p>24 Q. Are there -- is there anyone within</p> <p>25 the sheriff's department who's considered a</p>   |
| <p style="text-align: right;">Page 191</p> <p>1 an alert, does the alert normally state that?</p> <p>2 A. I'd have to look back on all the</p> <p>3 alerts that came out. I don't know specifically</p> <p>4 if it does or not.</p> <p>5 Q. All right. Are you familiar with --</p> <p>6 do you get a copy of the -- do you get any</p> <p>7 regular reports from the medical examiner -- do</p> <p>8 you get reports from the medical examiner --</p> <p>9 sorry. Let me try to spit this question out.</p> <p>10 How often do you get reports from</p> <p>11 the medical examiner, the sheriff's department</p> <p>12 get reports from the medical examiner as they</p> <p>13 pertain to overdoses?</p> <p>14 MR. BADALA: Objection to form.</p> <p>15 A. Hugh Shannon usually sends out maybe</p> <p>16 something once a week updating, I guess,</p> <p>17 statistics they keep at the medical examiner's</p> <p>18 office.</p> <p>19 Q. And when he sends something out, is</p> <p>20 that by e-mail?</p> <p>21 A. By e-mail.</p> <p>22 Q. And does it have an attachment or is</p> <p>23 it just sort of text of an e-mail?</p> <p>24 A. Sometimes there's an attachment with</p> <p>25 the stats involved. Sometimes it's as simple as</p> | <p style="text-align: right;">Page 193</p> <p>1 first responder?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Who would that be?</p> <p>4 A. We all are.</p> <p>5 Q. Okay. So -- does anyone within the</p> <p>6 sheriff's department carry -- is that the right</p> <p>7 word -- naloxone?</p> <p>8 A. We do distribute it. It's not a</p> <p>9 policy we're required to carry it, but we do</p> <p>10 hand it out. It's optional for them.</p> <p>11 Q. Does the department -- does the</p> <p>12 sheriff's department provide training to its</p> <p>13 personnel on how to use naloxone?</p> <p>14 A. The training -- again, you can</p> <p>15 receive that training on the Attorney General's</p> <p>16 website. It's probably a 15, 20-minute</p> <p>17 presentation, and you do get a certification for</p> <p>18 it, so we make sure before we distribute the</p> <p>19 Narcan that they have that certification.</p> <p>20 Q. How does the department get the</p> <p>21 Narcan? Where does it come from?</p> <p>22 A. The board of health supplied us, I</p> <p>23 think, with initial -- I don't know how many,</p> <p>24 but the board of health has been supplying us.</p> <p>25 Q. Do you know whether the department</p> |

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| <p style="text-align: right;">Page 194</p> <p>1 has to pay for the Narcan?</p> <p>2 A. No, we don't. No, we have not paid.</p> <p>3 The shipment I remember that we got, I don't</p> <p>4 believe we paid anything. It was free.</p> <p>5 Q. Are there any sort of reports kept</p> <p>6 by the department in terms of how many times</p> <p>7 someone at the department has used a Narcan kit?</p> <p>8 Is it a kit?</p> <p>9 A. It's -- yeah, you can call it a kit.</p> <p>10 Q. Okay.</p> <p>11 A. I don't think we've kept statistics</p> <p>12 on that. I know of a couple instances that we</p> <p>13 have saved lives. We've had, you know, stories</p> <p>14 in the media, stuff like that. So I hear</p> <p>15 stories about it, but as far as stats kept, it's</p> <p>16 probably something we should start doing since</p> <p>17 it's happening more often.</p> <p>18 Q. Is abuse -- abuse of fentanyl a</p> <p>19 problem in Cuyahoga County?</p> <p>20 MR. BADALA: Objection to form.</p> <p>21 A. Abuse of fentanyl, I don't know. I</p> <p>22 don't know. I think it goes hand in hand with</p> <p>23 heroin, pills. I think they all go hand in</p> <p>24 hand.</p> <p>25 Q. What about carfentanil?</p>                          | <p style="text-align: right;">Page 196</p> <p>1 Q. Yes.</p> <p>2 A. Can you read that again?</p> <p>3 Q. Sure.</p> <p>4 Pills and heroin arrive in the</p> <p>5 county through large, difficult to untangle</p> <p>6 networks.</p> <p>7 MR. BADALA: Objection to form.</p> <p>8 A. I don't know if it's an agree or</p> <p>9 disagree answer.</p> <p>10 Q. I don't know. Could be a third</p> <p>11 choice.</p> <p>12 A. I mean, can you repeat it one more</p> <p>13 time?</p> <p>14 Q. Sure.</p> <p>15 Pills and heroin arrive in the</p> <p>16 county through large, difficult to untangle</p> <p>17 networks.</p> <p>18 MR. BADALA: Objection to form.</p> <p>19 A. I probably disagree.</p> <p>20 Q. And why?</p> <p>21 A. It could be one form. There's all</p> <p>22 different forms that illicit drugs come in,</p> <p>23 prescription drugs come in. I don't know. I</p> <p>24 can't pinpoint it.</p> <p>25 Q. Do you have a -- do you know one way</p>  |
| <p style="text-align: right;">Page 195</p> <p>1 A. Yes, sir. Yeah. I think it all</p> <p>2 ties together.</p> <p>3 Q. Are you aware of any reports or</p> <p>4 information that at least some of the fentanyl</p> <p>5 that's getting to folks in Cuyahoga County is</p> <p>6 coming from China? Have you ever heard that?</p> <p>7 MR. BADALA: Objection to form.</p> <p>8 A. I don't have firsthand knowledge as</p> <p>9 far as our investigations are concerned. I have</p> <p>10 read articles and through media mentioning</p> <p>11 fentanyl coming from China.</p> <p>12 Q. Okay.</p> <p>13 Are you aware of any reports about</p> <p>14 Mexican drug trafficking cartel operations in</p> <p>15 Cuyahoga County?</p> <p>16 A. During some of the meetings I've</p> <p>17 attended, we have -- the FBI has and the DEA has</p> <p>18 briefed on some cartels that they may be</p> <p>19 investigating. As far as our department, we --</p> <p>20 we are not investigating drug cartels.</p> <p>21 Q. Agree or disagree with the following</p> <p>22 statement: Pills and heroin arrive in the county</p> <p>23 through large, difficult to untangle networks.</p> <p>24 MR. BADALA: Objection to form.</p> <p>25 A. Agree or disagree?</p> | <p style="text-align: right;">Page 197</p> <p>1 or the other whether the networks by which the</p> <p>2 drugs are coming into Cuyahoga County have</p> <p>3 changed over time?</p> <p>4 MR. BADALA: Objection to form.</p> <p>5 A. Which drugs are we referring to?</p> <p>6 Q. So have there been changes for any</p> <p>7 drugs in terms of -- any type of drugs in terms</p> <p>8 of how they've -- how they're getting into</p> <p>9 Cuyahoga County?</p> <p>10 MR. BADALA: Objection to form.</p> <p>11 A. I don't think there's a change, no.</p> <p>12 I'm not sure I understand that question</p> <p>13 completely.</p> <p>14 Q. Well, let's see. Was there -- was</p> <p>15 there heroin in Cuyahoga County when you were a</p> <p>16 deputy in the narcotics unit back in 2005?</p> <p>17 A. Yes.</p> <p>18 Q. All right. And did you have any</p> <p>19 understanding back then as to where that heroin</p> <p>20 was coming from?</p> <p>21 A. I mean, you read reports that are</p> <p>22 put out by DEA, the federal government, stuff</p> <p>23 like that. That's kind of high-level stuff</p> <p>24 that, you know, as part of narcotics, more</p> <p>25 street level, so you hear about it, but we</p> |

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| <p style="text-align: right;">Page 198</p> <p>1 didn't actively investigate any of that.</p> <p>2 Q. Whose role or job did you view it as</p> <p>3 to actively investigate, I guess, the</p> <p>4 importation of the heroin into the county?</p> <p>5 A. Well, there's always officers'</p> <p>6 interdiction. I don't think it's particularly</p> <p>7 assigned to one agency. Again, I think it goes</p> <p>8 back to information sharing and resources that</p> <p>9 are available. That's probably something that</p> <p>10 we'd ask the DEA or the FBI or some federal</p> <p>11 agency to help out with.</p> <p>12 Q. And has your understanding changed</p> <p>13 at all in terms of the way in which heroin is</p> <p>14 ending up in the -- being used by people in</p> <p>15 Cuyahoga County from 2005 to today?</p> <p>16 A. Yeah. We see a lot more today,</p> <p>17 based on, I think, the conversations we had</p> <p>18 before, where it's linked to the prescription</p> <p>19 opioids and people craving when they can't get</p> <p>20 those opioids anymore.</p> <p>21 Q. When you say "see a lot more,"</p> <p>22 you're seeing more heroin being distributed than</p> <p>23 back in 2005; is that what you're saying?</p> <p>24 A. Yeah. We investigate a lot more</p> <p>25 cases involving heroin, fentanyl.</p> | <p style="text-align: right;">Page 200</p> <p>1 drop box program, so people can get rid of the</p> <p>2 prescription opioids that they are not using</p> <p>3 anymore, so there's no chance of theft or</p> <p>4 getting out of their hands.</p> <p>5 Doctor shopping, I believe you</p> <p>6 mentioned that term.</p> <p>7 So those are just some other ways I</p> <p>8 think.</p> <p>9 Q. And do you have any sense, you</p> <p>10 personally, you know, in terms of percentages or</p> <p>11 relative frequency, the extent to which somebody</p> <p>12 uses a prescription opioid through a</p> <p>13 prescription written by a doctor for a medical</p> <p>14 condition versus any of those other improper</p> <p>15 ways?</p> <p>16 MR. BADALA: Objection to form.</p> <p>17 A. I don't have percentages.</p> <p>18 Q. Okay. Have you ever heard of</p> <p>19 something called Bromadol?</p> <p>20 A. Have I heard of the --</p> <p>21 Q. Yes.</p> <p>22 A. No.</p> <p>23 Q. Or how about cyclopropylfentanyl?</p> <p>24 A. No.</p> <p>25 Q. Have you heard of mixtures of</p>   |
| <p style="text-align: right;">Page 199</p> <p>1 Q. How about in terms of you</p> <p>2 included -- or you mentioned prescription</p> <p>3 opioids before. Do you have any understanding</p> <p>4 into the various ways in which people who are</p> <p>5 using prescription opioids obtain those</p> <p>6 medications?</p> <p>7 A. Prescriptions, I --</p> <p>8 Q. Is there anyone -- do you have any</p> <p>9 knowledge whether there's anyone in Cuyahoga</p> <p>10 County who's used a prescription opioid who's</p> <p>11 obtained the opioid other than through a</p> <p>12 prescription from a doctor?</p> <p>13 MR. BADALA: Objection to form.</p> <p>14 A. Not firsthand knowledge. I'm not an</p> <p>15 investigator. I'd have to ask our detectives if</p> <p>16 they're actively investigating any of that.</p> <p>17 Q. Okay. How about in any of the work</p> <p>18 you've done with any of these task forces or</p> <p>19 meetings? Do you have any understanding as to</p> <p>20 the various ways in which people get access to</p> <p>21 what we've been calling prescription opioids?</p> <p>22 A. Well, I think you touched on it</p> <p>23 before with not only prescribing it, but the</p> <p>24 illegal prescriptions people try to obtain, the</p> <p>25 theft. That's one of the reasons we have that</p>         | <p style="text-align: right;">Page 201</p> <p>1 fentanyl and cocaine? Is that something you've</p> <p>2 seen in Cuyahoga County?</p> <p>3 A. Yes, sir.</p> <p>4 Q. And -- okay. Do you know how common</p> <p>5 or frequent that is?</p> <p>6 A. I see the reports that the medical</p> <p>7 examiner sends out sometimes, but I don't have a</p> <p>8 -- how prevalent it is.</p> <p>9 Q. In terms of the person who would</p> <p>10 have the best knowledge of the data at least for</p> <p>11 overdose victims, would that be the medical</p> <p>12 examiner, in terms of number of people and what</p> <p>13 it -- what they overdosed on?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And that would be Dr. Gilson?</p> <p>16 A. Yes, sir.</p> <p>17 Q. All right. Has your department --</p> <p>18 do you know whether the sheriff's department has</p> <p>19 ever encountered any counterfeit pills? And by</p> <p>20 that I mean, you know, something that looks like</p> <p>21 a prescription medication but isn't, in fact,</p> <p>22 you know, manufactured by someone with an FDA</p> <p>23 license but is designed to look like it was?</p> <p>24 MR. BADALA: Objection to form.</p> <p>25 A. I'm not familiar with any specific</p> |

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| <p style="text-align: right;">Page 202</p> <p>1 cases, but I wouldn't put it past it that we've</p> <p>2 come across that.</p> <p>3 Q. Would you agree that those who are</p> <p>4 trafficking in narcotics are very creative in</p> <p>5 terms of the ways in which they obtain, package</p> <p>6 and distribute the narcotics?</p> <p>7 MR. BADALA: Objection to form.</p> <p>8 A. I'd agree, yeah, they are creative.</p> <p>9 Q. Are you aware -- does your</p> <p>10 department track -- or if I were trying to</p> <p>11 figure out from the sheriff's department, would</p> <p>12 I be able to -- is there something I could look</p> <p>13 at to figure out how many arrests the sheriff's</p> <p>14 department had made of someone who was</p> <p>15 trafficking in heroin as opposed to someone who</p> <p>16 was selling OxyContin?</p> <p>17 A. With our new RMS system, I don't</p> <p>18 know if you can query a certain type of arrest.</p> <p>19 I'm not that knowledgeable about what the system</p> <p>20 can and can't do since it's new. I'm not aware</p> <p>21 of any spreadsheet or statistic keeping that</p> <p>22 separated, what type of arrests we've had in the</p> <p>23 narcotics division.</p> <p>24 Q. When you said the new system, is</p> <p>25 that TRAC or what were you --</p> | <p style="text-align: right;">Page 204</p> <p>1 MR. BADALA: Objection to form.</p> <p>2 A. I don't know.</p> <p>3 Q. Have you heard of Actavis Pharma?</p> <p>4 A. No.</p> <p>5 Q. Do you have a view as to whether</p> <p>6 Actavis Pharma has any responsibility for the</p> <p>7 opioid problem in Cuyahoga County?</p> <p>8 MR. BADALA: Objection to form.</p> <p>9 A. I don't know.</p> <p>10 Q. Insys, do you know what -- who or</p> <p>11 what Insys is?</p> <p>12 A. No, sir.</p> <p>13 Q. Do you know whether Insys has any</p> <p>14 responsibility for the opioid problem in</p> <p>15 Cuyahoga County?</p> <p>16 MR. BADALA: Objection to form.</p> <p>17 A. I don't know.</p> <p>18 Q. Watson Pharmaceuticals?</p> <p>19 A. No, sir.</p> <p>20 Q. Do you have a view as to whether</p> <p>21 Watson Pharmaceuticals has any responsibility</p> <p>22 for the opioid problem in Cuyahoga County?</p> <p>23 MR. BADALA: Objection to form.</p> <p>24 A. I don't know.</p> <p>25 Q. Purdue Pharma, are you familiar with</p>                     |
| <p style="text-align: right;">Page 203</p> <p>1 A. TAC.</p> <p>2 Q. TAC. Excuse me. Yes.</p> <p>3 Do you know -- do you know who or</p> <p>4 what Allergan is?</p> <p>5 A. No, sir.</p> <p>6 Q. All right. So do you have any view</p> <p>7 on whether Allergan is -- has any responsibility</p> <p>8 for the opioid epidemic in Cuyahoga County?</p> <p>9 MR. BADALA: Objection to form.</p> <p>10 A. No, I don't know.</p> <p>11 Q. Are you familiar with Cardinal</p> <p>12 Health?</p> <p>13 A. I'm not familiar with them, no.</p> <p>14 Q. Do you have any view as to whether</p> <p>15 Cardinal Health has any responsibility for the</p> <p>16 opioid problem in Cuyahoga County?</p> <p>17 MR. BADALA: Objection to form.</p> <p>18 A. I don't know.</p> <p>19 Q. Walmart, are you familiar with</p> <p>20 Walmart?</p> <p>21 A. The Walmart that I can shop at every</p> <p>22 day, then yes, I am familiar with Walmart.</p> <p>23 Q. Okay. Does Walmart have any -- in</p> <p>24 your view, have any responsibility for the</p> <p>25 opioid problem in Cuyahoga County?</p>   | <p style="text-align: right;">Page 205</p> <p>1 Purdue Pharma?</p> <p>2 A. I don't believe so, no.</p> <p>3 Q. Okay. Do you have any view as to</p> <p>4 whether Purdue Pharma has any responsibility for</p> <p>5 the opioid problem in Cuyahoga County?</p> <p>6 MR. BADALA: Objection to form.</p> <p>7 A. I don't know.</p> <p>8 Q. Cephalon, are you familiar with</p> <p>9 Cephalon?</p> <p>10 A. I think I've heard of that company,</p> <p>11 but not familiar with it.</p> <p>12 Q. Okay. Do you have a view as to</p> <p>13 whether Cephalon has any responsibility for the</p> <p>14 opioid problem in Cuyahoga County?</p> <p>15 MR. BADALA: Objection to form.</p> <p>16 A. I don't know.</p> <p>17 Q. Noramco, are you familiar with</p> <p>18 Noramco?</p> <p>19 A. No, sir.</p> <p>20 Q. Do you have any view as to whether</p> <p>21 Noramco has any responsibility for the opioid</p> <p>22 problem in Cuyahoga County?</p> <p>23 A. I don't know.</p> <p>24 Q. AmerisourceBergen, are you familiar</p> <p>25 with AmerisourceBergen?</p> |



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| <p style="text-align: right;">Page 206</p> <p>1 A. Never heard of them.</p> <p>2 Q. Sometimes ABDC I think it's called.</p> <p>3 A. Never heard of them.</p> <p>4 Q. All right. Do you have any view as</p> <p>5 to whether AmerisourceBergen has any</p> <p>6 responsibility for the opioid problem in</p> <p>7 Cuyahoga County?</p> <p>8 MR. BADALA: Objection to form.</p> <p>9 A. I don't know if they do, sir.</p> <p>10 Q. How about Johnson &amp; Johnson; are you</p> <p>11 familiar with that company?</p> <p>12 A. If they make baby powder. I don't</p> <p>13 know if that's the same one or not. If it is,</p> <p>14 then yeah, I'm familiar.</p> <p>15 Q. And Janssen, have you heard of</p> <p>16 Janssen?</p> <p>17 A. No.</p> <p>18 Q. The pharmaceutical company?</p> <p>19 A. No.</p> <p>20 Q. And do you have a view as to whether</p> <p>21 Johnson &amp; Johnson and/or Janssen have any</p> <p>22 responsibility for the opioid problem in</p> <p>23 Cuyahoga County?</p> <p>24 MR. BADALA: Objection to form.</p> <p>25 A. I don't know what they do, sir.</p> | <p style="text-align: right;">Page 208</p> <p>1 Q. CVS?</p> <p>2 A. I've heard of CVS, yes.</p> <p>3 Q. Do you have a view as to whether CVS</p> <p>4 has any responsibility for the opioid problem in</p> <p>5 Cuyahoga County?</p> <p>6 MR. BADALA: Objection to form.</p> <p>7 A. I don't know.</p> <p>8 Q. Okay. Rite-Aid, are you familiar</p> <p>9 with Rite-Aid?</p> <p>10 A. Yes, I'm familiar.</p> <p>11 Q. In your view, does Rite-Aid have any</p> <p>12 responsibility for the opioid problem in</p> <p>13 Cuyahoga County?</p> <p>14 MR. BADALA: Objection to form.</p> <p>15 A. I don't know.</p> <p>16 Q. Mallinckrodt. Hopefully I</p> <p>17 pronounced that close to correct. Are you</p> <p>18 familiar with Mallinckrodt?</p> <p>19 A. No, I'm not.</p> <p>20 Q. And do you have a view as to whether</p> <p>21 Mallinckrodt has any responsibility for the</p> <p>22 opioid problem in Cuyahoga County?</p> <p>23 MR. BADALA: Objection to form.</p> <p>24 A. I don't know.</p> <p>25 Q. Endo Pharmaceuticals, do you know</p>                              |
| <p style="text-align: right;">Page 207</p> <p>1 Q. How about McKesson; are you familiar</p> <p>2 with McKesson?</p> <p>3 A. No.</p> <p>4 Q. And do you have a view as to whether</p> <p>5 McKesson has any responsibility for the opioid</p> <p>6 problem in Cuyahoga County?</p> <p>7 MR. BADALA: Objection to form.</p> <p>8 A. Again, I don't know what they do.</p> <p>9 Q. H.D. Smith, have you heard of H.D.</p> <p>10 Smith?</p> <p>11 A. No, sir.</p> <p>12 Q. And do you have a view as to whether</p> <p>13 H.D. Smith has any responsibility for the opioid</p> <p>14 problem in Cuyahoga County?</p> <p>15 MR. BADALA: Objection to form.</p> <p>16 A. I don't know.</p> <p>17 Q. Don't worry. I don't have too many</p> <p>18 more of these.</p> <p>19 Walgreens?</p> <p>20 A. Yes, I've heard of Walgreens.</p> <p>21 Q. All right. Do you have a view as to</p> <p>22 whether Walgreens has any responsibility for the</p> <p>23 opioid problem in Cuyahoga County?</p> <p>24 MR. BADALA: Objection to form.</p> <p>25 A. I don't know.</p>                            | <p style="text-align: right;">Page 209</p> <p>1 Endo?</p> <p>2 A. No, sir.</p> <p>3 Q. And do you have a view as to whether</p> <p>4 Endo Pharmaceuticals has any responsibility for</p> <p>5 the opioid problem in Cuyahoga County?</p> <p>6 MR. BADALA: Objection to form.</p> <p>7 A. I don't know.</p> <p>8 Q. Health Mart Systems?</p> <p>9 A. No, sir.</p> <p>10 Q. And do you have a view as to whether</p> <p>11 Health Mart Systems has any responsibility for</p> <p>12 the opioid problem in Cuyahoga County?</p> <p>13 MR. BADALA: Objection to form.</p> <p>14 A. No, I don't know, sir.</p> <p>15 Q. Teva Pharmaceuticals?</p> <p>16 A. No.</p> <p>17 Q. And do you have a view as to whether</p> <p>18 Teva Pharmaceuticals has any responsibility for</p> <p>19 the opioid problem in Cuyahoga County?</p> <p>20 MR. BADALA: Objection to form.</p> <p>21 A. I don't know, sir.</p> <p>22 Q. How about the federal government;</p> <p>23 does the federal government have any</p> <p>24 responsibility for the opioid problem in</p> <p>25 Cuyahoga County?</p> |

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| <p style="text-align: right;">Page 210</p> <p>1 MR. BADALA: Objection to form.</p> <p>2 A. I don't know, sir.</p> <p>3 Q. The state government, State of Ohio?</p> <p>4 MR. BADALA: Objection to form.</p> <p>5 A. Have I heard of them?</p> <p>6 Q. Yes.</p> <p>7 A. Yes.</p> <p>8 Q. Go Bucks.</p> <p>9 And does the State of Ohio have any</p> <p>10 responsibility for the opioid problem in</p> <p>11 Cuyahoga County?</p> <p>12 MR. BADALA: Objection to form.</p> <p>13 A. I don't know.</p> <p>14 MR. BLOCK: Why don't we take a</p> <p>15 break.</p> <p>16 MR. BADALA: Yes. Great.</p> <p>17 THE VIDEOGRAPHER: Off the record,</p> <p>18 1:50.</p> <p>19 (Recess had.)</p> <p>20 THE VIDEOGRAPHER: On the record,</p> <p>21 2:06.</p> <p>22 BY MR. BLOCK:</p> <p>23 Q. Captain Gerome, we were talking</p> <p>24 about different entities and whether they have</p> <p>25 any responsibility for the opioid problem in</p>  | <p style="text-align: right;">Page 212</p> <p>1 view as to whether doctors who have written</p> <p>2 prescriptions for prescription opioids have any</p> <p>3 responsibility for the opioid problem in</p> <p>4 Cuyahoga County?</p> <p>5 MR. BADALA: Objection to form.</p> <p>6 A. Do doctors have -- can you repeat</p> <p>7 that, please?</p> <p>8 Q. Yes.</p> <p>9 Doctors who have written</p> <p>10 prescriptions to patients for prescription</p> <p>11 opioids, do they have any responsibility for the</p> <p>12 opioid problem in Cuyahoga County?</p> <p>13 MR. BADALA: Objection to form.</p> <p>14 A. I don't know. I mean, I think</p> <p>15 they're -- they have their patient's best</p> <p>16 interest in mind. You know, they're just -- the</p> <p>17 patient is asking for something and they're</p> <p>18 helping them. Whether they know they're giving</p> <p>19 them the medication, if it's becoming addictive,</p> <p>20 one pill, 20 pills, I don't know. I don't know.</p> <p>21 Q. Is there a drug abuse response team</p> <p>22 within the sheriff's department?</p> <p>23 A. I don't know if we've called our</p> <p>24 detectives that are on call to respond to</p> <p>25 overdoses, if that's another title we gave them.</p> |
| <p style="text-align: right;">Page 211</p> <p>1 Cuyahoga County.</p> <p>2 Would -- in your view, do the people</p> <p>3 who are selling heroin and fentanyl to others in</p> <p>4 Cuyahoga County -- do they have responsibility</p> <p>5 for the opioid problem in Cuyahoga County?</p> <p>6 MR. BADALA: Objection to form.</p> <p>7 A. I think there's a certain level of</p> <p>8 responsibility. It's illegal activity. But I</p> <p>9 think the market is created for them to take</p> <p>10 advantage of it. Like I think I referred to it</p> <p>11 before, is people coming off prescription</p> <p>12 medications are still craving it, and this is</p> <p>13 where they turn towards, and drug dealers are</p> <p>14 just -- it's open season for them to make some</p> <p>15 money.</p> <p>16 Q. And could we agree that wherever the</p> <p>17 drug dealers are getting their drugs from, that</p> <p>18 whoever is supplying them with the drugs also</p> <p>19 has some responsibility for the opioid problem</p> <p>20 in Cuyahoga County?</p> <p>21 MR. BADALA: Objection to form.</p> <p>22 A. Well, yeah, they have to take</p> <p>23 responsibility. It's illegal activity, and</p> <p>24 that's what we investigate.</p> <p>25 Q. Do you believe that -- do you have a</p> | <p style="text-align: right;">Page 213</p> <p>1 That could be.</p> <p>2 Q. If there was anything within the</p> <p>3 sheriff's department --</p> <p>4 A. Yeah. It would be within our</p> <p>5 narcotic division, the detectives that I spoke</p> <p>6 on.</p> <p>7 Q. Okay. Have you had any -- any</p> <p>8 friends or family members who have had addiction</p> <p>9 to prescription opioids?</p> <p>10 A. Will you repeat that, please?</p> <p>11 Q. Yes.</p> <p>12 Whether you -- any friends or family</p> <p>13 members of yours have dealt with addiction to</p> <p>14 prescription opioids.</p> <p>15 A. I've had family members that have</p> <p>16 died of overdoses.</p> <p>17 Q. How many family members?</p> <p>18 A. Two cousins.</p> <p>19 Q. Are they -- live here in the</p> <p>20 Cuyahoga County area?</p> <p>21 A. One did; one did not.</p> <p>22 Q. And when did they die?</p> <p>23 A. The exact years, I don't know. It's</p> <p>24 been a while.</p> <p>25 Q. Sorry. Like in the -- roughly? In</p>  |

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| <p style="text-align: right;">Page 214</p> <p>1 the 2000s?</p> <p>2 A. Yeah, it's been in the 2000s.</p> <p>3 Q. Okay.</p> <p>4 A. Roughly maybe seven to ten years.</p> <p>5 Q. And what -- if I may ask, what did</p> <p>6 they overdose on?</p> <p>7 A. That, I don't know.</p> <p>8 Q. Okay. Do you know whether any</p> <p>9 arrests were made in connection with either of</p> <p>10 the --</p> <p>11 A. I never followed up with it. No.</p> <p>12 Q. Any other personal connections to --</p> <p>13 A. We've had members of our department,</p> <p>14 a particular friend of mine, another deputy, his</p> <p>15 daughter overdosed. It was not fatal. It was</p> <p>16 non-fatal. But he -- discussions with him. He</p> <p>17 went through a lot. And that journey began with</p> <p>18 prescription medication as well.</p> <p>19 Q. What did the daughter overdose on?</p> <p>20 A. That, I don't remember.</p> <p>21 Q. When was this?</p> <p>22 A. Probably three, four years ago.</p> <p>23 Q. Before I go to this one, forgive me</p> <p>24 if I haven't asked you this -- forgive me if I</p> <p>25 did ask you this before, but is there -- can you</p>      | <p style="text-align: right;">Page 216</p> <p>1 Q. Anything else?</p> <p>2 A. I think I stated before, something</p> <p>3 like equipment, special equipment maybe, type of</p> <p>4 gloves or -- sometimes they go to these</p> <p>5 overdoses, they put the full suit on, if there</p> <p>6 is suspected fentanyl or something like that.</p> <p>7 So I guess little expenditures like that would</p> <p>8 add up. Vehicles. Like I said, for the guys on</p> <p>9 call, they take home vehicles now, but -- I'm</p> <p>10 sure I'm missing some things, but that's the</p> <p>11 best I can think of right now.</p> <p>12 Q. Are there any other departments</p> <p>13 within the sheriff's -- any other groups within</p> <p>14 the sheriff's department that are on call?</p> <p>15 A. We have a sergeant in charge of</p> <p>16 our -- it's a human trafficking task force.</p> <p>17 He's on call.</p> <p>18 Q. Anybody else?</p> <p>19 A. That's receiving pay, no. That --</p> <p>20 let me think real quick. We do have -- now I</p> <p>21 put a sergeant on call for death -- or use of</p> <p>22 force death investigations for the City of</p> <p>23 Cleveland for taking over their investigations</p> <p>24 if they use deadly force, so he's on call to</p> <p>25 respond to that.</p> |
| <p style="text-align: right;">Page 215</p> <p>1 think of any expenditures that the Cuyahoga</p> <p>2 County Sheriff's Department has that are</p> <p>3 directly and exclusively related to narcotics or</p> <p>4 narcotics investigations?</p> <p>5 MR. BADALA: Objection to form.</p> <p>6 A. Well, we developed staffing for the</p> <p>7 drop box pill program. That's something we've</p> <p>8 never had before. I consider that an</p> <p>9 expenditure; salary, hours, vehicles, mileage,</p> <p>10 stuff like that. The two detectives on call to</p> <p>11 respond to these overdoses, they have now in</p> <p>12 their contract on-call pay, something they never</p> <p>13 had before.</p> <p>14 Q. Is that something the union</p> <p>15 negotiated for them?</p> <p>16 A. Absolutely, yes.</p> <p>17 As well as the sergeants receive the</p> <p>18 on-call pay.</p> <p>19 Can you repeat it again? I'm sorry.</p> <p>20 Expenditures I believe you said.</p> <p>21 Q. Yes, that are sort of solely and</p> <p>22 exclusively related to narcotics, narcotics</p> <p>23 investigations.</p> <p>24 A. Those would be a couple I can think</p> <p>25 of offhand.</p> | <p style="text-align: right;">Page 217</p> <p>1 Q. Does he have a car or use a car for</p> <p>2 that?</p> <p>3 A. Yes, he does.</p> <p>4 Q. Okay. And same for the human</p> <p>5 trafficking person that is on call, do they have</p> <p>6 a car?</p> <p>7 A. They have one that's not a -- that's</p> <p>8 not our expenditure. It's the Attorney</p> <p>9 General's Office supplied those vehicles.</p> <p>10 Q. Do you know whether the sheriff's</p> <p>11 department has ever applied for any grants</p> <p>12 related to narcotics -- narcotics</p> <p>13 investigations?</p> <p>14 MR. BADALA: Objection to form.</p> <p>15 A. I don't remember any, no.</p> <p>16 - - - - -</p> <p>17 (Thereupon, Gerome Deposition</p> <p>18 Exhibit 7, 2017-2018 Cuyahoga County</p> <p>19 Strategic Plan Project List -</p> <p>20 Community Safety and Protection, was</p> <p>21 marked for purposes of</p> <p>22 identification.)</p> <p>23 - - - - -</p> <p>24 Q. Gerome Exhibit 7 is a one-page</p> <p>25 document entitled "2017 through 2018 Cuyahoga</p>  |

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| <p style="text-align: right;">Page 218</p> <p>1 County Strategic Plan Project List - Community<br/>2 Safety and Protection." This was -- the Bates<br/>3 number associated with this document, I'm not<br/>4 sure why it didn't print out.<br/>5 MR. BLOCK: Did you give them with<br/>6 double sides?<br/>7 MR. BADALA: Ours was not.<br/>8 MR. BLOCK: I only wanted to ask<br/>9 about the first page of it anyway.<br/>10 MR. BADALA: I just want to let you<br/>11 know his exhibit doesn't have it either.<br/>12 Q. Okay. So I've got you the first<br/>13 page of what was -- the Bates number associated<br/>14 with this was 121911, CUYAH_121911.<br/>15 MR. BADALA: It's probably a native.<br/>16 That's probably why.<br/>17 Q. And the question is whether you are<br/>18 familiar with this document, Captain Gerome.<br/>19 A. I don't remember reviewing this<br/>20 document, no.<br/>21 Q. Okay. Do you know who created it?<br/>22 A. No, I do not.<br/>23 Q. Then you can put that aside.<br/>24 Anything you need to correct in<br/>25 terms of your testimony of any of the questions</p>                             | <p style="text-align: right;">Page 220</p> <p>1 MR. BADALA: Objection to form.<br/>2 A. I don't know.<br/>3 Q. Do you know whether prescription<br/>4 opioids have a medically approved use?<br/>5 MR. BADALA: Objection to form.<br/>6 A. Can you repeat that, please?<br/>7 Q. Sure. I'll ask a better question.<br/>8 Do you know whether prescription<br/>9 opioids have a medical use or medical uses that<br/>10 have been approved by the FDA?<br/>11 A. Wasn't that your first question? I<br/>12 don't know that. I didn't know that one.<br/>13 Q. Do you know why doctors prescribe<br/>14 prescription opioids to patients?<br/>15 MR. BADALA: Objection to form.<br/>16 A. No, I don't know why they do.<br/>17 Q. Have you ever heard of a doctor<br/>18 prescribing a prescription opioid to a patient<br/>19 post-surgery?<br/>20 A. Yes.<br/>21 Q. Which patient?<br/>22 MR. BADALA: Objection to form.<br/>23 A. If --<br/>24 MR. BADALA: I can tell you not to<br/>25 identify -- are you asking for the name of the</p> |
| <p style="text-align: right;">Page 219</p> <p>1 that I've asked you?<br/>2 A. Not that I remember, no.<br/>3 MR. BLOCK: Okay. I will pass the<br/>4 baton to one of my colleagues here representing<br/>5 one of the other parties in the case.<br/>6 Thank you, sir, for your time.<br/>7 THE WITNESS: Thank you.<br/>8 EXAMINATION OF DONALD GEROME<br/>9 BY MR. LONERGAN:<br/>10 Q. Captain Gerome, I introduced myself<br/>11 at the outset of your deposition, but I'll do it<br/>12 again. I'm Sam Loneragan. I'm with the law firm<br/>13 of Arnold &amp; Porter, Kaye Scholer, and in this<br/>14 litigation I represent two pharmaceutical<br/>15 manufacturers, Endo and Par.<br/>16 A. Okay.<br/>17 Q. I'm going to do my best not to ask<br/>18 any questions that are duplicative of what Ben<br/>19 just asked you, but, frankly, you just were<br/>20 asked and answered a lot of questions so I can't<br/>21 make any guarantees.<br/>22 To the best of your understanding,<br/>23 are prescription opioids, which we've been<br/>24 talking about today, approved for use by the<br/>25 Food &amp; Drug Administration?</p> | <p style="text-align: right;">Page 221</p> <p>1 person that was prescribed?<br/>2 MR. LONERGAN: I'm asking what he's<br/>3 referring to.<br/>4 MR. BADALA: I would just tell you<br/>5 not to give the person's name. I mean, there's<br/>6 HIPAA laws and that's why --<br/>7 Q. Are you able to answer my question<br/>8 without providing a person's name?<br/>9 A. No, I'm not.<br/>10 Q. Okay. Have you ever heard of a<br/>11 situation where a doctor prescribed a<br/>12 prescription opioid for a person with end-stage<br/>13 cancer?<br/>14 A. I don't know.<br/>15 Q. Are you aware of that being an<br/>16 approved medical use for prescription opioids?<br/>17 MR. BADALA: Objection to form.<br/>18 A. No, I don't know, sir.<br/>19 Q. Would you agree that a physician<br/>20 would be in the best position to make a<br/>21 determination as to whether a patient should<br/>22 receive a prescription opioid?<br/>23 MR. BADALA: Objection to form.<br/>24 A. Can you repeat that, please?<br/>25 Q. Sure.</p>          |

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1 Do you agree that a physician would  
2 be in the best position to make a determination  
3 as to whether a patient should receive a  
4 prescription opioid?  
5 MR. BADALA: Objection to form.  
6 A. Sir, I don't know that.  
7 Q. Do you believe that a physician  
8 would be in the best position to evaluate a  
9 patient's medical needs?  
10 MR. BADALA: Objection to form.  
11 A. Yes, sir.  
12 Q. And do you believe that a physician  
13 would be in the best position to evaluate the  
14 risks associated with prescribing a medication  
15 to a patient?  
16 MR. BADALA: Objection to form.  
17 A. I don't know that, sir.  
18 Q. Do you agree that prescription  
19 opioids can be beneficial to a patient when used  
20 properly?  
21 MR. BADALA: Objection to form.  
22 A. I don't know that, sir.  
23 Q. You testified earlier today about  
24 your belief about a connection between  
25 prescription opioids and heroin and fentanyl

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1 overdoses, correct?  
2 A. Yes, sir.  
3 Q. And I believe you testified that  
4 your belief was based in large part on  
5 conversations that you had had with certain  
6 families. Do you recall that testimony?  
7 A. I recall that as well as speaking to  
8 some of the detectives that respond to these.  
9 Q. With respect to the families that  
10 you were talking to, which opioids or  
11 prescription opioids were those people taking?  
12 A. Sir, I don't know.  
13 Q. With respect to any conversations  
14 you've had with anybody concerning the  
15 connection between prescription opioids and  
16 heroin and fentanyl use, which prescription  
17 opioids are you referring to?  
18 MR. BADALA: Objection to form.  
19 A. There's no specific that I'm  
20 referring to.  
21 Q. You just lump them all in one group  
22 together?  
23 MR. BADALA: Objection to form.  
24 A. Yes, sir.  
25 Q. With respect to the families that

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1 you said -- you testified you spoke to about  
2 prescription opioid use, why were the people  
3 taking the prescription opioids?  
4 A. I don't remember the conversation as  
5 to if they explained that or not.  
6 Q. Was it a situation where the patient  
7 had been prescribed a prescription opioid and  
8 was using it consistent with the doctor's orders  
9 or was it a situation where the person had gone  
10 out and obtained a prescription opioid through  
11 some illicit means?  
12 MR. BADALA: Objection to form.  
13 A. Again, I don't remember the -- the  
14 exact conversation I had with them.  
15 Q. Is that answer that you don't know  
16 the answer or you only remember certain aspects?  
17 A. I mean, I remember some of the phone  
18 calls. I don't remember all the phone calls. I  
19 don't remember the specifics of us discussing if  
20 it was prescribed medication or not prescribed  
21 medication, so --  
22 Q. And is that true with respect to all  
23 the conversations you had with families  
24 concerning prescription opioid uses?  
25 A. Yes. Yes, sir.

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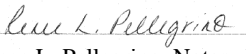
1 Q. I believe you previously testified  
2 that you had no recollection of your department  
3 ever investigating a patient who was using a  
4 prescription opioid in a manner that was  
5 consistent with how it had been prescribed by a  
6 doctor; is that correct?  
7 A. That was a long question. Can you  
8 please repeat that?  
9 Q. I don't know if I can, actually.  
10 I believe you previously testified  
11 that you have no recollection of your department  
12 investigating a patient who was using a  
13 prescription opioid in a manner that was  
14 consistent with the way it had been prescribed  
15 by a doctor, correct?  
16 MR. BADALA: Objection to form.  
17 A. No, I'm not aware of that, if it  
18 was -- if they were using it correctly, I don't  
19 know why we would investigate that.  
20 Q. Do you consider over-prescribing of  
21 opioids by doctors to be a cause of heroin or  
22 fentanyl use?  
23 MR. BADALA: Objection to form.  
24 A. I'm not familiar with them  
25 over-prescribing medication. I've never



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| <p style="text-align: right;">Page 226</p> <p>1 investigated a doctor for doing that.</p> <p>2 Q. To the best of your knowledge, has</p> <p>3 your department ever investigated any doctor for</p> <p>4 over-prescribing prescription opioids?</p> <p>5 A. No, sir, not that I'm aware of.</p> <p>6 Q. Are you able to identify a single</p> <p>7 script that -- strike that.</p> <p>8 Are you able to identify any</p> <p>9 instances where a doctor wrote a prescription</p> <p>10 for an opioid to a Cuyahoga County resident that</p> <p>11 was not medically necessary?</p> <p>12 MR. BADALA: Objection to form.</p> <p>13 A. Can you repeat that, sir? I don't</p> <p>14 want to answer that incorrectly.</p> <p>15 Q. You're putting me to the test.</p> <p>16 A. I just want to get it right. That's</p> <p>17 all.</p> <p>18 Q. Are you able to identify a single</p> <p>19 instance where a physician prescribed an opioid</p> <p>20 to a Cuyahoga County resident and the</p> <p>21 prescription was not medically necessary?</p> <p>22 MR. BADALA: Objection to form.</p> <p>23 A. No, I can't identify that. No.</p> <p>24 Q. As a general matter, you understand</p> <p>25 what a package insert or a warning label is for</p> | <p style="text-align: right;">Page 228</p> <p>1 A. I'm not aware of that, sir.</p> <p>2 MR. BADALA: Objection to form.</p> <p>3 Q. Are you aware of any instance where</p> <p>4 any physician prescribed any prescription opioid</p> <p>5 to any Cuyahoga County resident where the</p> <p>6 physician had not previously read the warning</p> <p>7 label or package insert before prescribing the</p> <p>8 drug?</p> <p>9 A. No, I'm not aware of that instance.</p> <p>10 Q. Are you aware of any instance where</p> <p>11 any physician prescribed any prescription opioid</p> <p>12 to any Cuyahoga County resident where the</p> <p>13 physician did not understand the risks and</p> <p>14 benefits of prescribing the opioid to the</p> <p>15 patient?</p> <p>16 MR. BADALA: Objection to form.</p> <p>17 A. That, I don't know, sir.</p> <p>18 Q. Have you or your department ever</p> <p>19 investigated the sales practices of any</p> <p>20 prescription opioid manufacturer?</p> <p>21 A. As I stated before, I'm not aware of</p> <p>22 us ever investigating that.</p> <p>23 Q. I apologize if that was duplicative.</p> <p>24 As you sit here today, do you have</p> <p>25 any reason to believe that any opioid</p>                              |
| <p style="text-align: right;">Page 227</p> <p>1 any prescription drug, correct?</p> <p>2 MR. BADALA: Objection to form.</p> <p>3 A. Yes.</p> <p>4 Q. Have you ever had cause to review or</p> <p>5 look at a warning label for any prescription</p> <p>6 opioid?</p> <p>7 MR. BADALA: Objection to form.</p> <p>8 A. No, I have not.</p> <p>9 Q. Are you aware that the warning label</p> <p>10 or package insert for prescription opioids</p> <p>11 identify side effects associated with the use of</p> <p>12 a prescription opioid?</p> <p>13 MR. BADALA: Objection to form.</p> <p>14 A. I'm not aware of what's on the</p> <p>15 bottle, sir.</p> <p>16 Q. Are you aware that the warning label</p> <p>17 and package inserts for prescription opioids</p> <p>18 identify addiction as a possible side effect for</p> <p>19 the use of prescription opioids?</p> <p>20 MR. BADALA: Objection to form.</p> <p>21 A. No, sir, I didn't know that.</p> <p>22 Q. Are you aware that the FDA approves</p> <p>23 the language that's contained in the warning</p> <p>24 labels and package inserts for prescription</p> <p>25 opioids?</p>  | <p style="text-align: right;">Page 229</p> <p>1 manufacturer's sales representative ever made</p> <p>2 any inaccurate or misleading statements to</p> <p>3 physicians who prescribe opioids to patients?</p> <p>4 MR. BADALA: Objection to form.</p> <p>5 A. Can you repeat that, please, the</p> <p>6 first part of that?</p> <p>7 Q. Sure.</p> <p>8 As you sit here today, do you have</p> <p>9 any reason to believe that any sales</p> <p>10 representative for an opioid manufacturer made</p> <p>11 any inaccurate or misleading statements to a</p> <p>12 physician who prescribes opioids?</p> <p>13 MR. BADALA: Objection to form.</p> <p>14 A. I'm not aware of that. No, sir.</p> <p>15 Q. Are you aware of any instance where</p> <p>16 a pharmaceutical sales representative for an</p> <p>17 opioid manufacturer made a statement that was</p> <p>18 inconsistent with the product's warning label or</p> <p>19 package insert?</p> <p>20 MR. BADALA: Objection to form.</p> <p>21 A. I'm not aware of that, sir.</p> <p>22 Q. Are you able to identify a single</p> <p>23 doctor who ever prescribed a prescription opioid</p> <p>24 to a Cuyahoga County resident who relied on a</p> <p>25 sales representative's improper marketing as the</p> |

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| <p style="text-align: right;">Page 230</p> <p>1 basis for prescribing a product to the Cuyahoga<br/>2 County resident?<br/>3 MR. BADALA: Objection to form.<br/>4 A. I'm not aware of that.<br/>5 Q. Sir, a few moments ago you<br/>6 referenced personal -- your personal experiences<br/>7 with prescription opioids, and I believe you<br/>8 testified that two of your cousins had passed<br/>9 away as a result of an overdose and one of your<br/>10 friend's daughters; isn't that correct?<br/>11 A. The friend's daughter did not pass<br/>12 away. It was a non-fatal.<br/>13 Q. Were your cousins' overdoses -- did<br/>14 they overdose on prescription opioids?<br/>15 A. Sir, I don't -- I didn't follow up<br/>16 in how they overdosed.<br/>17 Q. Do you know if your cousins' initial<br/>18 use of opioids was through prescription opioids?<br/>19 A. I don't know if I stated that they<br/>20 took prescription or they were addicted to<br/>21 opioids. I just stated that I know two people<br/>22 that were -- who overdosed. I don't know what<br/>23 it was from, so I don't know.<br/>24 Q. And so, then, is it fair to say that<br/>25 you don't know if your cousins had initially</p> | <p style="text-align: right;">Page 232</p> <p>1 Walgreens?<br/>2 A. No, I don't.<br/>3 Q. Can you personally point to any<br/>4 specific conduct by Walmart, CVS, Rite-Aid or<br/>5 Walgreens related to opioids that caused harm to<br/>6 the county?<br/>7 MR. BADALA: Objection to form.<br/>8 A. No, sir, I can't.<br/>9 Q. I believe you testified that as part<br/>10 of your training for -- at the sheriff's office,<br/>11 that you took some training on first aid and<br/>12 trauma; is that right?<br/>13 A. Yes, sir.<br/>14 Q. Besides that training, do you have<br/>15 any other medical training?<br/>16 A. The first aid training, the trauma,<br/>17 and then the -- I guess if you called -- the<br/>18 Narcan training that I spoke of, if you want to<br/>19 consider that medical training, that would<br/>20 probably be it, too.<br/>21 Q. And that's the web-based training<br/>22 you took on the AG's website?<br/>23 A. Yes, sir.<br/>24 Q. Do you have any training or<br/>25 expertise in toxicology?</p> |
| <p style="text-align: right;">Page 231</p> <p>1 started out using prescription opioids?<br/>2 A. Yes, it's fair to say. I don't<br/>3 know.<br/>4 MR. LONERGAN: I told you I'd be<br/>5 quick.<br/>6 THE WITNESS: Thank you.<br/>7 MR. LONERGAN: Thank you for your<br/>8 time.<br/>9 EXAMINATION OF DONALD GEROME<br/>10 BY MR. MCCLAUGHLIN:<br/>11 Q. Captain Gerome, thanks for your<br/>12 patience today. I only have a few questions for<br/>13 you.<br/>14 A. Sure.<br/>15 Q. I introduced myself earlier. My<br/>16 name is Chris McLaughlin. I represent Walmart.<br/>17 Were you aware before today that the<br/>18 county had sued Walmart as a part of this<br/>19 litigation?<br/>20 A. Not specifically Walmart, no.<br/>21 Q. Do you have any personal knowledge<br/>22 as to why the county sued Walmart?<br/>23 A. No, I don't.<br/>24 Q. Do you have any personal knowledge<br/>25 as to why the county sued CVS, Rite-Aid and</p>  | <p style="text-align: right;">Page 233</p> <p>1 A. No, sir.<br/>2 Q. Do you have any training or<br/>3 expertise in the diagnosis or treatment of<br/>4 addiction or substance abuse?<br/>5 A. No, sir.<br/>6 Q. So you would not be qualified to say<br/>7 one way or another whether somebody was addicted<br/>8 to a substance or not, correct?<br/>9 A. No, sir.<br/>10 Q. That is correct?<br/>11 A. No. Can you repeat that?<br/>12 Q. Sure.<br/>13 A. I'll try to answer it right.<br/>14 Q. You would not be qualified to say --<br/>15 A. No, I would not be qualified.<br/>16 Q. -- one way or another as to whether<br/>17 somebody was addicted to a substance, correct?<br/>18 A. No, I wouldn't be qualified,<br/>19 correct.<br/>20 Q. Captain, you testified that<br/>21 currently you are not an investigator; is that<br/>22 right?<br/>23 A. Correct.<br/>24 Q. And when was the last time you<br/>25 actually served in the role of an investigator,</p>   |

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| <p style="text-align: right;">Page 234</p> <p>1 where you were actively involved in<br/>2 investigations?<br/>3 A. It's -- with a concern to narcotics<br/>4 investigations or any investigations?<br/>5 Q. Narcotics.<br/>6 A. Narcotics. As an investigator, it's<br/>7 been a long time. I can't remember the last<br/>8 time.<br/>9 Q. More than ten years?<br/>10 A. As a lead investigator, probably,<br/>11 yes.<br/>12 Q. And I believe you also testified<br/>13 that you personally have never responded to a<br/>14 drug overdose scene; is that right?<br/>15 A. No, sir. I don't think I testified.<br/>16 I have been to a scene before.<br/>17 Q. How many times?<br/>18 A. Once.<br/>19 Q. And when was that?<br/>20 A. When I first got into the unit<br/>21 probably in 2014, when I became a lieutenant, I<br/>22 responded to one.<br/>23 Q. Were you the lead investigator?<br/>24 A. No, I was not.<br/>25 Q. Okay. Have you -- so have you ever</p>   | <p style="text-align: right;">Page 236</p> <p>1 should have been produced in advance. If we<br/>2 get -- if additional documents are forthcoming<br/>3 that we think there are questions on, I will<br/>4 leave it open for the purposes of asking<br/>5 questions about that -- those documents.<br/>6 MR. BADALA: Yeah. Like I said a<br/>7 few times, send us a letter with a request that<br/>8 it applies to; we'll look at it, consider it and<br/>9 we'll discuss it further.<br/>10 MR. BLOCK: Thank you, sir.<br/>11 THE VIDEOGRAPHER: Off the record,<br/>12 2:39.<br/>13<br/>14 (Deposition concluded at 2:39 p.m.)<br/>15 -----<br/>16<br/>17<br/>18<br/>19<br/>20<br/>21<br/>22<br/>23<br/>24<br/>25</p> |
| <p style="text-align: right;">Page 235</p> <p>1 personally investigated the drug use history of<br/>2 any overdose victim for which the sheriff's<br/>3 office has responded to a scene?<br/>4 A. No, I have not.<br/>5 MR. McLAUGHLIN: I have no further<br/>6 questions. Thank you, sir.<br/>7 THE WITNESS: Thank you.<br/>8 MR. BADALA: Anyone else in the<br/>9 room? How about on the phone? Do you have any<br/>10 questions on the phone? Is anyone even on the<br/>11 phone?<br/>12 Let's just take two minutes. Let me<br/>13 see if I have anything.<br/>14 THE VIDEOGRAPHER: Off the record,<br/>15 2:34.<br/>16 (Recess had.)<br/>17 THE VIDEOGRAPHER: On the record,<br/>18 2:38.<br/>19 MR. BADALA: So I don't have any<br/>20 further questions, or any questions at all.<br/>21 MR. BLOCK: So I'll just say again,<br/>22 on behalf of everyone here, thank you, Captain<br/>23 Gerome, for your time. This concludes the<br/>24 deposition, subject to, it does sound like<br/>25 there's some additional documents that we think</p> | <p style="text-align: right;">Page 237</p> <p>1 Whereupon, counsel was requested to give<br/>2 instruction regarding the witness' review of<br/>3 the transcript pursuant to the Civil Rules.<br/>4<br/>5 SIGNATURE:<br/>6 Transcript review was requested pursuant to<br/>7 the applicable Rules of Civil Procedure.<br/>8<br/>9 TRANSCRIPT DELIVERY:<br/>10 Counsel was requested to give instruction<br/>11 regarding delivery date of transcript.<br/>12<br/>13<br/>14<br/>15<br/>16<br/>17<br/>18<br/>19<br/>20<br/>21<br/>22<br/>23<br/>24<br/>25</p>   |

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| <p style="text-align: right;">Page 238</p> <p>1 REPORTER'S CERTIFICATE</p> <p>2 The State of Ohio, )</p> <p>3 ) SS:</p> <p>4 County of Cuyahoga. )</p> <p>5</p> <p>6 I, Renee L. Pellegrino, a Notary Public</p> <p>7 within and for the State of Ohio, duly</p> <p>8 commissioned and qualified, do hereby certify</p> <p>9 that the within named witness, DONALD GEROME, was by</p> <p>10 me first duly sworn to testify the truth, the whole</p> <p>11 truth and nothing but the truth in the cause</p> <p>12 aforesaid; that the testimony then given by the</p> <p>13 above referenced witness was by me reduced to</p> <p>14 stenotypy in the presence of said witness;</p> <p>15 afterwards transcribed, and that the foregoing is a</p> <p>16 true and correct transcription of the testimony so</p> <p>17 given by the above referenced witness.</p> <p>18 I do further certify that this</p> <p>19 deposition was taken at the time and place in the</p> <p>20 foregoing caption specified and was completed</p> <p>21 without adjournment.</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> | <p style="text-align: right;">Page 240</p> <p>1 Veritext Legal Solutions</p> <p>2 1100 Superior Ave</p> <p>3 Suite 1820</p> <p>4 Cleveland, Ohio 44114</p> <p>5 Phone: 216-523-1313</p> <p>6 November 19, 2018</p> <p>7 To: SALVATORE C. BADALA</p> <p>8 Case Name: In Re: National Prescription Opiate Litigation v.</p> <p>9 Veritext Reference Number: 3109191</p> <p>10 Witness: Donald Gerome Deposition Date: 11/14/2018</p> <p>11 Dear Sir/Madam:</p> <p>12 The deposition transcript taken in the above-referenced</p> <p>13 matter, with the reading and signing having not been</p> <p>14 expressly waived, has been completed and is available</p> <p>15 for review and signature. Please call our office to</p> <p>16 make arrangements for a convenient location to</p> <p>17 accomplish this or if you prefer a certified transcript</p> <p>18 can be purchased.</p> <p>19 If the errata is not returned within thirty days of your</p> <p>20 receipt of this letter, the reading and signing will be</p> <p>21 deemed waived.</p> <p>22</p> <p>23 Sincerely,</p> <p>24 Production Department</p> <p>25 NO NOTARY REQUIRED IN CA</p>   |
| <p style="text-align: right;">Page 239</p> <p>1 I do further certify that I am not a</p> <p>2 relative, counsel or attorney for either party,</p> <p>3 or otherwise interested in the event of this</p> <p>4 action.</p> <p>5 IN WITNESS WHEREOF, I have hereunto set</p> <p>6 my hand and affixed my seal of office at</p> <p>7 Cleveland, Ohio, on this 19th day of November, 2018.</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12 </p> <p>13 Renee L. Pellegrino, Notary Public</p> <p>14 within and for the State of Ohio</p> <p>15</p> <p>16 My commission expires October 12, 2020.</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>   | <p style="text-align: right;">Page 241</p> <p>1 DEPOSITION REVIEW</p> <p>2 CERTIFICATION OF WITNESS</p> <p>3 ASSIGNMENT REFERENCE NO: 3109191</p> <p>4 CASE NAME: In Re: National Prescription Opiate Litigation v.</p> <p>5 DATE OF DEPOSITION: 11/14/2018</p> <p>6 WITNESS' NAME: Donald Gerome</p> <p>7 In accordance with the Rules of Civil</p> <p>8 Procedure, I have read the entire transcript of</p> <p>9 my testimony or it has been read to me.</p> <p>10 I have made no changes to the testimony</p> <p>11 as transcribed by the court reporter.</p> <p>12</p> <p>13 Date _____ Donald Gerome</p> <p>14 Sworn to and subscribed before me, a</p> <p>15 Notary Public in and for the State and County,</p> <p>16 the referenced witness did personally appear</p> <p>17 and acknowledge that:</p> <p>18 They have read the transcript;</p> <p>19 They signed the foregoing Sworn</p> <p>20 Statement; and</p> <p>21 Their execution of this Statement is of</p> <p>22 their free act and deed.</p> <p>23</p> <p>24 I have affixed my name and official seal</p> <p>25 this _____ day of _____, 20____.</p> <p>_____<br/>Notary Public</p> <p>_____<br/>Commission Expiration Date</p> |

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1 DEPOSITION REVIEW  
CERTIFICATION OF WITNESS

2

3 ASSIGNMENT REFERENCE NO: 3109191  
CASE NAME: In Re: National Prescription Opiate Litigation v.  
DATE OF DEPOSITION: 11/14/2018

4 WITNESS' NAME: Donald Gerome

5 In accordance with the Rules of Civil  
Procedure, I have read the entire transcript of  
6 my testimony or it has been read to me.  
7 I have listed my changes on the attached  
Errata Sheet, listing page and line numbers as  
8 well as the reason(s) for the change(s).  
9 I request that these changes be entered  
as part of the record of my testimony.

10

11 I have executed the Errata Sheet, as well  
as this Certificate, and request and authorize  
12 that both be appended to the transcript of my  
testimony and be incorporated therein.

13 \_\_\_\_\_  
Date Donald Gerome

14

15 Sworn to and subscribed before me, a  
Notary Public in and for the State and County,  
the referenced witness did personally appear  
16 and acknowledge that:  
17 They have read the transcript;  
They have listed all of their corrections  
18 in the appended Errata Sheet;  
They signed the foregoing Sworn  
19 Statement; and  
Their execution of this Statement is of  
20 their free act and deed.  
21 I have affixed my name and official seal  
22 this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
23 \_\_\_\_\_  
Notary Public

24

25 \_\_\_\_\_  
Commission Expiration Date

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1 ERRATA SHEET  
VERITEXT LEGAL SOLUTIONS MIDWEST

2 ASSIGNMENT NO: 11/14/2018

3 PAGE/LINE(S) / CHANGE /REASON

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20 \_\_\_\_\_  
Date Donald Gerome

21 SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_\_

22 DAY OF \_\_\_\_\_, 20\_\_\_\_.

23 \_\_\_\_\_  
Notary Public

24

25 \_\_\_\_\_  
Commission Expiration Date

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF SEPTEMBER 1, 2016. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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